

Legal Alerts

# California's SB 343 Sets New Limits on "Recyclable" Labels and Claims

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[California Senate Bill 343](#) (SB 343), the 'Truth in Recycling' law, is scheduled to restrict the use of the chasing arrows symbol, recyclability symbols, 'recyclable' claims and other instructions telling consumers to recycle products or packaging sold into California. Although a federal court has temporarily blocked enforcement, companies that sell consumer products into California should be preparing now. SB 343 affects manufacturers, distributors, retailers, private-label brands, co-manufacturers and investors across the consumer products industry.

## Litigation Update

On July 14, 2026, a federal court issued a preliminary injunction blocking enforcement of SB 343 while the case proceeds. The injunction does not repeal the law or eliminate the need to prepare. Companies should continue compliance planning, because the injunction could be narrowed, lifted or reversed at any stage, and because private litigation and reputational risk may remain even while the injunction is in place.

## What Labels and Claims Does SB 343 Restrict?

SB 343 prohibits placing the chasing arrows symbol, any variation of a recyclability symbol, the word 'recyclable' or any statement directing consumers to recycle a product or its packaging, unless the material qualifies as 'recyclable in the state' under CalRecycle's published data.

The restrictions apply to products and packaging manufactured on or after October 4, 2026. That date is set by an 18-month grace period following CalRecycle's publication of its Final Findings Report on April 4, 2025. Products manufactured before that date may continue to be sold with their existing labels, creating a sell-through window for pre-existing inventory.

## When Is a Recyclability Claim Allowed?

To qualify as 'recyclable in the state,' a material type and form must generally be widely collected for recycling in California, widely sorted into defined recycling streams and routinely become feedstock used in the production of new products or packaging. The statute sets specific thresholds: the material must be collected by programs serving at least 60 percent (60%) of California's population and sorted by facilities serving at least 60 percent (60%) of statewide recycling programs.

Meeting the 60 percent (60%) collection and sortation thresholds is not always enough. Product-specific design and composition features, including components, inks, adhesives, labels, additives and per- and polyfluoroalkyl substances (PFAS), can still prevent a recyclability claim.

Products or packaging made from plastic or plant fiber cannot be treated as recyclable if they contain intentionally added PFAS with a functional or technical effect, or PFAS at or above 100 parts per million as measured in total organic fluorine.

CalRecycle's published data indicates which broad material types and forms are generally collected and sorted at statewide scale, but it is not a product-specific approval system. CalRecycle does not approve labels or determine whether a particular product or package is lawful. Companies must evaluate their own materials, format, components, supplier data and specific claims to determine whether a recyclability representation is supportable.

Companies making environmental or recyclability claims should maintain substantiation files supporting those claims. California law requires that certain substantiation materials be provided to members of the public on request.

Rigid plastic bottles and containers sold in California must carry resin identification codes. However, the resin code should not appear inside chasing arrows unless the item independently meets the statewide recyclability criteria.

## Penalties, Enforcement and Private Litigation Risk

Civil penalties for noncompliant recyclability claims are \$500 for a first violation, \$1,000 for a second, and \$2,000 for a third or subsequent violation. Because each noncompliant product or package may be treated as a separate violation, exposure can add up quickly across SKUs, production runs, distribution channels and existing inventory.

CalRecycle does not enforce SB 343. Public enforcement authority rests with cities, counties and the state, including city attorneys, city prosecutors, district attorneys and the California Attorney General.

SB 343 does not itself appear to create a standalone private right of action. However, alleged violations may still create private litigation risk, because the statute expressly preserves remedies under California's Unfair Competition Law, and allegedly misleading recyclability claims may also support false-advertising or consumer-protection claims.

## Recommended Next Steps

- **Conduct a packaging and claims audit.** Review all labels, hangtags, inserts, websites, product pages, sell sheets, retailer materials, recycling symbols, 'recyclable' claims, 'please recycle' instructions, How2Recycle-style labels and resin-code symbols across every SKU sold into California.

- **Build a substantiation file for each affected SKU.** Include supplier specifications, material type and form, design features, inks, adhesives, labels, additives, PFAS information, CalRecycle data reviewed and the company's reasoning supporting any recyclability claim.
- **Confirm production cutover dates.** Preserve lot-level records showing which products and packaging were manufactured before and after October 4, 2026, to support the sell-through window for pre-existing inventory.
- **Review supply chain and distribution agreements.** Review supplier, co-manufacturer, distributor, private-label and retailer agreements. Consider adding requirements for packaging specifications, SB 343 compliance support, notice of material changes, PFAS confirmations, cooperation with substantiation requests and indemnity for inaccurate supplier data or noncompliant packaging.
- **For retailers and distributors:** Confirm who controls packaging claims for products you sell into California and who bears the risk if a product is mislabeled.
- **For investors:** Ask whether portfolio consumer goods companies have audited their recyclability claims, identified affected SKUs, budgeted for packaging redesign, confirmed supplier data, reviewed PFAS issues and assessed litigation risk.

If you need guidance on how SB 343 affects your products sold in California, please contact Foster Garvey's [Consumer Brands & Goods](#) team.

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