



September 13, 2021

The Honorable Gavin Newsom
 Governor of the State of California
 State Capitol, First Floor
 Sacramento, California 95814

Dear Governor Newsom:

RE: SB 343 (Allen) – Truth in Advertising and Recyclable Definition- Veto Request

The organizations listed below respectfully request your veto of SB 343 (Allen). SB 343 is more than a labelling bill. By establishing stringent criteria for what can be labeled recyclable, SB 343 creates a definition of “recyclable” that will have impacts on all future legislation related to the circular economy and recycled content mandates. This coalition negotiated in good faith with the author and sponsors, offering amendments that would have made the bill implementable for the circular economy policies being considered by the legislature. Had these amendments been taken, this coalition would have removed opposition. A veto would allow us to work with the Senator to make the bill less of a roadblock and more of an incentive for recycling.

SB 343 includes labeling restrictions for products and packaging, creating more labeling complexity and increasing confusion for consumers. The scope of SB 343 should have been limited to the same scope which has been the basis of SB 54 (Allen) for the past several years- single-use packaging and priority single-use products-which typically end up in the consumer recycling stream. Products with long standing recycling regimes - such as e-waste and batteries - and products collected through non-statutory product stewardship programs, may be prohibited from making recyclability claims and communicating with consumers on the available methods for recycling these products via existing California recycling infrastructure. As extended producer responsibility bills and initiatives move forward, there will be inherent conflicts with how SB 343 fits into those broader initiatives.

SB 343 will create a new definition of recyclability with unworkable criteria. Materials collected outside of the curbside system should not be required to meet a stricter recycling criterion than curbside materials. A 60% recovery rate is extremely difficult to reach, only CRV containers could claim to reach such a rate. The definition also includes provisions with no relevance to the materials recyclability. For example, the criteria would prohibit certain intentionally added ingredients from products or packages if they want to be deemed recyclable. However, these ingredients have not been shown to impede recycling, and therefore should not be the basis of recyclability criteria.

As originally proposed, SB 343 would have provided a pathway for manufacturers to submit a plan to CalRecycle outlining how they intend to boost a particular material type to meet the recyclable criteria and give CalRecycle the authority to allow the continued use of recyclability claims, in order to preserve and increase recycling of materials. Unfortunately, this pathway was removed from the bill, and replaced with a much more limited pathway granting the Director of CalRecycle the ability to allow products or packaging covered by a state or federal mandated program, to make recyclability claims even if the strict criteria is not met- so long as doing so will not contaminate the recycling stream. This will give the director a significant amount of latitude.

SB 343 will result in an extremely limiting definition of what is recyclable, hindering the state's ability to reach its 75% diversion goals and impacting the state's ability to adopt and implement a comprehensive circular economy solution to packaging.

We respectfully request you Veto, SB 343.

Association of Home Appliance Manufacturers
American Bakers Association
American Chemistry Council
American Cleaning Institute
American Institute for Packaging and Environment
California Manufacturers & Technology Association
Californians For Recycling and The Environment
Consumer Brands Association
Consumer Technology Association
EPS Industry Alliance
Flexible Packaging Association
Food Packaging Institute
Household and Commercial Products Association
National Aerosol Association
National Confectioners Association
National Electronics Manufacturers Association
Personal Care Products Council
Pet Food Institute
Plastics Industry Association
PRBA - The Rechargeable Battery Association
Toy Industry Association
Western Aerosol Information Bureau
Western Growers Association
Western Plant Health Association
Western Plastics Association