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**AB-473 Environmental advertising: recyclability.** (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 473**

**Introduced by Assembly Member Wilson**

**February 06, 2025**

An act to amend Section 42355.51 of the Public Resources Code, relating to solid waste.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 473, as introduced, Wilson. Environmental advertising: recyclability.

Existing law prohibits a person from offering for sale, selling, distributing, or importing into the state any product or packaging for which a deceptive or misleading claim about the recyclability of the product or packaging is made. Existing law provides that a product or packaging that displays a chasing arrows symbol, among other symbols, statements, or directions, is deemed to be a deceptive or misleading claim unless (1) the product or packaging is considered recyclable in the state pursuant to specified criteria and (2) is of a material type and form that routinely becomes feedstock used in the production of new products or packaging, except as provided. Existing law, notwithstanding specified criteria, provides that a product or packaging is recyclable in the state if the product or packaging is part of, and in compliance with, a program established pursuant to state or federal law governing the recyclability or disposal of that product or packaging, as provided.

This bill would delete the latter provision and would, notwithstanding specified provisions, require, before January 1, 2027, that a product or packaging that is a covered material, as defined, be considered recyclable in the state if the producer is approved by a producer responsibility organization to participate in that organization. On or after January 1, 2027, and before January 1, 2032, the bill would require, notwithstanding specified provisions, that a product or packaging that is a covered material be considered recyclable in the state if the producer is, among other things, in compliance with the requirements of the Plastic Pollution Prevention and Packaging Producer Responsibility Act.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 42355.51 of the Public Resources Code is amended to read:

**42355.51.** (a) A person shall not offer for sale, sell, distribute, or import into the state any product or packaging for which a deceptive or misleading claim about the recyclability of the product or packaging is made.

(b) (1) Subject to paragraph (2), a product or packaging that displays a chasing arrows symbol, a chasing arrows symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or otherwise directing the consumer to recycle the product or packaging, is deemed to be a deceptive or misleading claim pursuant to this section and Section 17580.5 of the Business and Professions Code unless the product or packaging is considered recyclable in the state pursuant to subdivision (d) and is of a material type and form that routinely becomes feedstock used in the production of new products or packaging.

(2) Paragraph (1) does not apply to either of the following:

(A) Any product or packaging that is manufactured up to 18 months after the date the department publishes the first material characterization study required pursuant to subparagraph (B) of paragraph (1) of subdivision (d), or before January 1, 2024, whichever is later.

(B) Any product or packaging manufactured up to 18 months after the date the department updates the material characterization study pursuant to subparagraph (B) of paragraph (1) of subdivision (d), if the product or packaging satisfied or, for a new product or packaging, would have satisfied, the requirements to be considered recyclable in the state pursuant to subdivision (d) before the publication of the updated study.

(3) Subject to paragraph (2), for a product or packaging that is not considered to be recyclable in the state pursuant to subdivision (d), all of the following apply:

(A) Displaying a chasing arrows symbol or any other statement indicating the product is recyclable directly on the product shall be deemed to be deceptive or misleading pursuant to this section and Section 17580.5 of the Business and Professions Code.

(B) If a product or packaging has multiple material types, a chasing arrows symbol or statement indicating recyclability may be displayed on the external packaging that is considered to be recyclable in the state pursuant to subdivision (d) if the chasing arrows symbol or statement makes clear in the same or greater font, font size, or symbol size which other components of the product or packaging are not recyclable.

(C) Displaying a chasing arrows symbol or any other statement indicating recyclability on packaging containing a consumable product shall, for purposes of this section, be deemed to refer only to the packaging. For purposes of this subparagraph, "consumable product" means a commodity that is intended to be used and not disposed of.

(c) For purposes of this section, the following do not constitute a deceptive or misleading claim about the recyclability of the product or packaging pursuant to this section or Section 17580.5 of the Business and Professions Code:

(1) A person using a chasing arrows symbol in combination with a clearly visible line placed at a 45-degree angle over the chasing arrows symbol to convey that an item is not recyclable.

(2) A consumer good that is required by any federal or California law or regulation to display a chasing arrows symbol, including, but not limited to, Section 103(b)(1) of the federal Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. Sec. 14322(b)(1)) and Section 25215.65 of the Health and Safety Code.

(3) Directing a consumer to compost or properly dispose of a consumer good through an organics recycling program.

(4) A resin identification code placed inside a solid equilateral triangle.

(d) (1) On or before January 1, 2024, in order to provide information to the public sufficient for evaluating whether a product or packaging is recyclable in the state according to the criteria set forth in paragraph (2) and is of a material type and form that routinely becomes feedstock used in the production of new products or packaging, the department shall do both of the following:

(A) (i) Update the regulations promulgated pursuant to Section 41821.5 to include both of the following in the information to be submitted to the department pursuant to that section:

(I) How the material collected or processed by the operations and facilities was collected.

(II) What material types and forms are actively recovered, and not considered contaminants, by the operation or facility.

(ii) The department shall publish the information required pursuant to clause (i) in a form the department deems appropriate for achieving the purpose of this section consistent with the requirements of paragraph (3) of subdivision (b)

of Section 41821.5.

(B) (i) To get a representative sample of recycling programs in the state, the department shall conduct and publish on its internet website a characterization study of material types and forms that are collected, sorted, sold, or transferred by solid waste facilities deemed appropriate by the department for inclusion in the study. The department's activities pursuant to this subparagraph, including the department's determination of the appropriate facilities to include in the study, are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(ii) The department shall update the material characterization study required pursuant to this subparagraph every five years, with the first update being issued by the department in 2027.

(iii) Notwithstanding clauses (i) and (ii), the department may publish additional information that was not available at the time of the most recent periodic material characterization study regarding the appropriate characterization of material types and forms.

(iv) For purposes of studying a representative sample of material types and forms in the state, within 90 days of a department request, a facility shall allow for periodic sampling conducted by a designated representative of the department on a ~~mutually agreed-upon~~ *mutually agreed-upon* date and time. The department shall not request a periodic sampling of a facility if that facility was sampled during the previous 24 months.

(v) For each material characterization study conducted pursuant to this subparagraph, the department shall publish on its internet website the preliminary findings of the study and conduct a public meeting to present the preliminary findings and receive public comments. The public meeting shall occur at least 30 days after the department publishes the preliminary findings. After receiving and considering public comments, and within 60 days of the public meeting, the department shall finalize and publish on its internet website the findings of the study.

(2) Subject to paragraph (3), a product or packaging is considered recyclable in the state if, based on information published by the department pursuant to subparagraph (B) of paragraph (1), the product or packaging is of a material type and form that meets both of the following requirements:

(A) The material type and form is collected for recycling by recycling programs for jurisdictions that collectively encompass at least 60 percent of the population of the state.

(B) (i) The material type and form is sorted into defined streams for recycling processes by large volume transfer or processing facilities, as defined in regulations adopted pursuant to Section 43020, that process materials and collectively serve at least 60 percent of recycling programs statewide, with the defined streams sent to and reclaimed at a reclaiming facility consistent with the requirements of the Basel Convention.

(ii) The department may adopt regulations modifying this requirement to encompass transfer or processing facilities other than large volume transfer or processing facilities, as the department deems appropriate for achieving the purposes of this section.

(3) A product or packaging shall not be considered recyclable in the state unless the product or packaging meets all of the following criteria, as applicable:

(A) For plastic packaging, the plastic packaging is designed to not include any components, inks, adhesives, or labels that prevent the recyclability of the packaging according to the APR Design® Guide published by the Association of Plastic Recyclers.

(B) For plastic products and ~~non-plastic~~ *nonplastic* products and packaging, the product or packaging is designed to ensure recyclability and does not include any components, inks, adhesives, or labels that prevent the recyclability of the product or packaging.

(C) The product or packaging does not contain an intentionally added chemical identified pursuant to the regulations implementing subparagraph (4) of subdivision (g) of Section 42370.2.

(D) The product or packaging is not made from plastic or fiber that contains perfluoroalkyl or polyfluoroalkyl substances or PFAS that meets either of the following criteria:

(i) PFAS that a manufacturer has intentionally added to a product or packaging and that have a functional or technical effect in the product or packaging, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.

(ii) The presence of PFAS in a product or product component or packaging or packaging component at or above 100 parts per million, as measured in total organic ~~fluorine~~: *fluorine*.

(4) Notwithstanding paragraphs (2) and (3), a product or packaging is recyclable in the state if the product or packaging has a demonstrated recycling rate of at least 75 percent, meaning that not less than 75 percent of the product or packaging sorted and aggregated in the state is reprocessed into new products or packaging.

(5) (A) Before January 1, 2030, notwithstanding paragraphs (2) and (3), a product or packaging not collected pursuant to a curbside collection program is recyclable in the state if the non-curbside collection program recovers at least 60 percent of the product or packaging in the program and the material has sufficient commercial value to be marketed for recycling and be transported at the end of its useful life to a transfer, processing, or recycling facility to be sorted and aggregated into defined streams by material type and form.

(B) After January 1, 2030, notwithstanding paragraphs (2) and (3), a product or packaging not collected pursuant to a curbside collection program is recyclable in the state if the non-curbside collection program recovers at least 75 percent of the product or packaging in the program and the material has sufficient commercial value to be marketed for recycling and be transported at the end of its useful life to a transfer, processing, or recycling facility to be sorted and aggregated into defined streams by material type and form.

~~(6) Notwithstanding paragraphs (2) and (3), a product or packaging is recyclable in the state if the product or packaging is part of, and in compliance with, a program established pursuant to state or federal law on or after January 1, 2022, governing the recyclability or disposal of that product or packaging if the director determines that the product or packaging will not increase contamination of curbside recycling or deceive consumers as to the recyclability of the product or packaging.~~

*(6) (A) Before January 1, 2027, notwithstanding paragraphs (2) and (3), a product or packaging that is a covered material is considered recyclable in the state if the producer of that product or packaging is approved by a producer responsibility organization to participate in that organization.*

*(B) On and after January 1, 2027, and before January 1, 2032, notwithstanding paragraphs (2) and (3), a product or packaging that is a covered material, is considered recyclable in the state if the producer of that product or packaging meets all of the following requirements:*

*(i) Is a participant in a producer responsibility organization.*

*(ii) Is in compliance with all requirements of the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Chapter 3 (commencing with Section 42040)).*

*(iii) Does not sell, distribute, or import the product or packaging unlawfully pursuant to the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Chapter 3 (commencing with Section 42040)), including Section 42050.*

(7) The information published by the department pursuant to paragraph (1) shall not limit the discretion of a local agency under existing law to decide whether, and to what extent, a material type or form shall be accepted by a local recycling program.

(e) For purposes of this section, ~~“chasing arrows”~~ *all of the following definitions apply:*

*(1) “Chasing arrows” symbol has the meaning set forth as defined in subdivision (f) of Section 17580 of the Business and Professions Code.*

*(2) “Covered material” has the same meaning as defined in subdivision (e) of Section 42041.*

*(3) “Producer” has the same meaning as defined in subdivision (w) of Section 42041.*

*(4) “Producer responsibility organization” has the same meaning as defined in subdivision (x) of Section 42041.*

(f) Consistent with the waste hierarchy established pursuant to Section 40051, and pursuant to Section 40180, for purposes of this section, “recycling,” “recyclable,” and “recyclability” do not include transformation, as defined in Section 40201, EMSW conversion, or production of fuels.