

CALIFORNIA PROHIBITS MISLEADING RECYCLABILITY CLAIMS ON PRODUCTS

On Oct. 5, 2021, California published the Senate Bill 343 (Truth in Labelling for Recyclable Materials), prohibiting a person from offering for sale, selling, distributing or importing into the state of California any product or packaging with recyclability claims. A product or packaging that displays a chasing arrows symbol, or any other symbol or statement indicating the product or packaging is recyclable, is deemed to be a deceptive or misleading claim unless the product or packaging meets the criteria for state-wide recyclability and is of a material type and form that routinely becomes feedstock used in the production of new products or packaging.

The bill requires the Department of Resources Recycling and Recovery (**CalRecycle**) to provide information to the public for evaluating whether a product or packaging is recyclable in the state according to the set criteria. Manufacturers will have 18 months, or until Jan. 1, 2024, whichever is later, after the date the department publishes the material characterization study to ensure that no recyclability claims are deceptive or misleading.



Based on the information published by CalRecycle:

1. A product or packaging is **considered recyclable** if the product or packaging is of a material type and form that meets both of the following requirements:
 - The material type and form are **collected for recycling by recycling programs** for jurisdictions that collectively encompass at least 60% of the population of the state.
 - 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.
2. A product or packaging **shall not be considered recyclable** in California unless the product or packaging meets all of the following criteria, as applicable:
 - The product or packaging **does not include any components, inks, adhesives, or labels that prevent the recyclability of the product or packaging.**
 - 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.
 - The product or packaging is **not made from plastic or fiber that contains perfluoroalkyl, polyfluoroalkyl substances or PFAS** that meet 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 PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect.
 - ii. The presence of PFAS in a product or product component or packaging or packaging component **at or above 100 ppm**, as measured in total organic fluorine.
3. Notwithstanding above requirements, a product or packaging is **recyclable** in California if:
 - The product or packaging has a demonstrated **recycling rate of at least 75%**, meaning that not less than 75% of the product or packaging sorted and aggregated in the state is reprocessed into new products or packaging.
 - Before Jan. 1, 2030, a product or packaging not collected pursuant to a curbside collection program if at least 60% of the product or packaging is recovered 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. After Jan. 1, 2030, the recovered percentage will increase to 75%.
 - The product or packaging is part of, and in compliance with, a program established on or after Jan. 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.

SGS can verify the labeling and warnings applied to Electrical & Electronic products to ensure their compliance with global regulations.

FOR ENQUIRIES

HONG KONG

Electrical & Electronics Technology
Customer Service Team

t +852 2765 3617

f +852 2766 3778

e HK.EC.CSteam@sgs.com

©2021 SGS. All rights reserved. Information contained herein is provided "as is" and SGS does not warrant that it will be error-free or meet any particular criteria of performance or quality. Do not quote or refer any information herein without SGS' prior written consent. Any unauthorized alteration, forgery or falsification of the content or appearance of this document is unlawful and offenders may be prosecuted to the fullest extent of the law.