

California's Truth in Recycling Law Hits a Roadblock

Gonzalo E. Mon, Katie Rogers, Dennis Mema

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On April 29, 2025, we [wrote](#) about California's "Truth in Recycling" law, which generally prohibits companies from using the "chasing arrows" symbol or otherwise implying that a product or package is recyclable, unless the product or package is considered recyclable pursuant to specific criteria developed by the state's Department of Resources Recycling and Recovery.

The law was scheduled to become enforceable on October 4, 2026, but that has changed. On July 14, 2026, the US District Court for the Southern District of California issued a preliminary injunction in *California League of Food Producers v. Bonta*, preventing California Attorney General Rob Bonta and those acting in concert with him from enforcing the law while the litigation proceeds.

The lawsuit centers on two constitutional arguments. First, the plaintiffs contend that portions of the law are so unclear that companies can't reasonably determine what the law requires, raising concerns under the Fourteenth Amendment's Due Process Clause. Second, they argue that the law restricts truthful commercial speech in violation of the First Amendment by limiting the ability to communicate recyclability information to consumers. The court concluded that the plaintiffs were likely to succeed on both theories, which was enough to justify preliminary relief.

The court also found problems with the law's restrictions on recyclability claims. While California argued that the law would reduce consumer confusion and improve recycling outcomes, the court was not persuaded that the record showed the law would materially advance those objectives. Instead, the court noted evidence suggesting that manufacturers might simply remove recyclability claims altogether to avoid enforcement risk, potentially resulting in consumers receiving less information rather than more. The court further concluded that less restrictive approaches may be available to achieve the state's goals.

Importantly, the decision does not strike down the law. The court found that the challenged provisions may be severable from the remainder of the statute, meaning portions of the law—particularly the "60/60" framework for collection and sorting we [discussed](#)—could survive further litigation. The case will continue, and California may seek appellate review or otherwise continue defending the law on the merits. For now, however, enforcement is on hold.

The injunction may also have implications that extend beyond labeling compliance and into California's broader extended producer responsibility scheme. SB 54, the Plastic Pollution Prevention and Packaging Producer Responsibility Act, leans on SB 343's definition of "recyclable" to determine which packaging materials count as recyclable for purposes of source reduction targets, recycling rate calculations, and producer fee obligations under that program. If the litigation over SB 343 results in the recyclability criteria being narrowed, enjoined on a broader basis, or ultimately struck down as unconstitutionally vague or an impermissible restriction on speech, producers and

CalRecycle may be left without a stable definition of “recyclable” to anchor SB 54 compliance. That uncertainty could complicate the development of SB 54’s implementing regulations and reporting obligations, and it would not be surprising to see CalRecycle or affected producers raise similar due process or First Amendment arguments in that context down the road.

Although companies no longer face the immediate prospect of Attorney General enforcement on October 4, 2026, it would be premature to assume that the “Truth in Recycling” law will be thrown in the trash. Instead, it’s likely that it will be recycled in another form.