



How Companies Can Prepare for California's Recycling Label Challenges

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California's S.B. 343 restricts when a company may use recycling symbols, the word "recyclable" or other directions to recycle on consumer goods and packaging. It ties those statements to a statewide standard meant to reflect what gets collected, sorted and recycled in California, not what might be recyclable in theory.

The law also raises the bar on documentation. A recyclability message without a strong substantiation record invites disputes.

The timeline turns S.B. 343 into a production and governance problem. The restrictions hinge on when a product or package is manufactured, not when it is sold. Oct. 4, 2026, marks the practical line most companies must plan around.

If a company manufactures after Oct. 4, 2026, with recyclability messaging that fails the statewide standard, a late label refresh won't fix exposure already in the market. Treat 2026 as a compliance runway. Identify every recyclability cue, decide which ones you can support, and build the record that defends those decisions.

S.B. 343 reaches beyond the familiar recycling symbol.

Many businesses treat recyclability messaging as a narrow packaging feature: a three-arrow symbol and a short recyclable statement. S.B. 343 reaches further. It captures implied directions to recycle as well as express claims. A small icon on a cap, a standardized disposal panel, or a "please recycle" instruction can signal recyclability and create the same risk as an explicit claim.

This breadth shifts internal ownership. Marketing, packaging engineering and operations often touch these cues, sometimes through vendor templates that spread across stock-keeping units. S.B. 343 treats them as regulated representations. Risk drops when one review pathway covers every recyclability cue and when

packaging changes trigger rereview instead of quiet drift.

The diagonal-line symbol lets you say “not recyclable,” but it doesn’t make an item recyclable.

S.B. 343 recognizes a limited way to communicate nonrecyclability: a recycling symbol with a clear diagonal line that indicates the item isn’t recyclable. Used with care, this option can cut consumer confusion, especially for components that often contaminate recycling streams. It doesn’t create recyclability, and it doesn’t replace a compliant claim.

For many companies, this becomes a repeat decision. When a component fails the statewide standard, the business can remove recyclability cues, redesign the component, or tell consumers to keep it out of the recycling bin. The diagonal-line approach works only when it stays consistent and when nearby graphics and text don’t imply the opposite.

The statewide test needs a decision tree, not a gut call.

S.B. 343 replaces “recyclable in some places” with a statewide test grounded in how recycling works in practice.

At a high level, the standard asks whether programs serving much of California’s population collect the material in its relevant form and whether large processing facilities sort it into defined streams at comparable statewide scale. It also accounts for design and composition limits that can disqualify items that otherwise look recyclable. The core idea stays simple: a reliable path from consumer collection to sorting to an end market.

No agency will give product-by-product clearance. Companies must reach and defend their own conclusions. That defense often turns on design, not resin type alone. Labels, sleeves, coatings, adhesives and multi-material features can defeat sorting or contaminate bales even when the base material looks favorable.

A decision tree drives consistent analysis across teams and produces a record that holds up later, when the ask becomes, “Show your work.”

CalRecycle won't enforce S.B. 343, but others may pursue violations.

S.B. 343 doesn't run like a permitting program with a single regulator sign-off. CalRecycle publishes statewide information that informs recyclability evaluations, but enforcement can come from other public actors and through consumer protection theories. Expect the first serious scrutiny to arrive after product ships and in an adversarial setting.

That posture raises the stakes for governance. If a company can't show clear ownership, documented review and change control, a challenger can paint the program as improvised. Build compliance for an outside audience. The record should explain the claim without leaning on institutional memory.

Build the substantiation file to prevent recycling label disputes.

The most practical S.B. 343 deliverable is the substantiation file. A strong file does more than say a material is recyclable. It ties the claim to the statewide test and explains why the specific packaging configuration meets that test despite design constraints that often derail recycling outcomes.

Start with a claim inventory that captures every recyclability cue across packaging, on-product markings, inserts and disposal instructions that travel with the product in commerce. Treat implied directions to recycle as claims. Then standardize the file so it scales.

For each claim, record the stock-keeping unit and packaging configuration. Describe the exact claim and where it appears. Identify the material type and form. Document the rationale. Address design features that drive disputes, including labels, adhesives, inks, coatings, sleeves and multi-material assemblies.

Close the loop with change control. Document who reviewed and approved the claim. Define what triggers rereview, including supplier substitutions and artwork revisions. Start with high-volume stock-keeping units and formats with known sorting challenges. Because the trigger turns on manufacturing date, align the schedule with production realities: artwork lead times, vendor transitions and specification updates.

What does this mean for regulated businesses?

S.B. 343 turns recycling labels from marketing shorthand into regulated claims that must stand up to scrutiny with proof. Companies that treat 2026 as a compliance runway, apply a consistent decision tree, and maintain disciplined substantiation files can cut enforcement exposure and manage litigation risk without losing flexibility.

They can keep accurate recycling information where supportable, redesign packaging that can't meet the statewide standard, and communicate nonrecyclability clearly when redesign doesn't pencil out.

For more information, please contact the author or any attorney with the firm's [Environmental practice group](#).

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