

September 20, 2021

The Honorable Gavin Newsom  
Governor of the State of California  
State Capitol, First Floor  
Sacramento, California 95814  
(Submitted Electronically)

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

Dear Governor Newsom:

The Flexible Packaging Association (FPA) is writing to urge you to veto SB 343 (Allen), as despite its title, the bill will cause further confusion for Californian citizens and will not provide greater clarity concerning recycling within the state.

SB 343 stands to establish an onerous definition of “recyclable” that will have far reaching impacts on all future legislation related to the development of a circular economy and recycled content mandates. The bill provides that a product or packaging that displays a chasing arrows symbol, among other symbols, statements, or directions to be a deceptive or misleading claim unless the product or packaging is considered recyclable pursuant to statewide recyclability criteria and is of a material type and form that routinely becomes feedstock used in the production of new products or packaging. This will negatively affect the ability of the state to reach their 75% diversion goals and severely hinder the state’s ability to adopt and implement a comprehensive circular economy solution to packaging. In limiting options, SB 343 will have a chilling effect on recycling and ultimately cause more materials to end up in landfills.

FPA is committed to a circular economy for flexible packaging – designing the right package for the product and utilizing less water and energy to do so; emitting less greenhouse gases in the manufacture and transportation of the package; using the least amount of packaging, plastic or multi-materials, necessary for the protection of the product; and creating less waste in the first place®. As California moves forward towards that goal, future Extended Producer Responsibility (EPR) efforts will undoubtedly find themselves in conflict with SB 343.

While noble in its intent, SB 343 is underdeveloped and shortsighted in its current form. Additionally, due to the complex nature and impact any proposal of this kind impliedly has upon the people of California, the legislature needs to take more time to evaluate, reflect upon, and rework this legislation before ratifying it into law. It is for these reasons that we respectfully request a veto of SB 343.

Sincerely,



Alison A. Keane, Esq., CAE, IOM