



April 23, 2026

The Honorable Buffy Wicks, Chair
 Assembly Appropriations Committee
 1021 O Street, Suite 8220
 Sacramento, CA 95814

**RE: AB 2253 (Boerner). Solid Waste: products: environmental marketing claims. – OPPOSE
 As Amended, April 8, 2026**

Dear Assembly Member Wicks:

Despite the April 8, 2026, amendments, the coalition of industry organizations, representing a broad cross section of California’s leading employers, including product manufacturers, food producers, agricultural entities, material suppliers, retailers and grocers, packaging producers, and others, **remains opposed to AB 2253 (Boerner)**. While the new language may appear to narrow the impact, the bill would still **exclude internationally accepted accounting methods used across multiple industry sectors** and that reflect real world manufacturing operations.

AB 2253 would **expand** requirements for making environmental marketing claims regarding the use of recycled content from plastic food containers to **all products and materials**, while also specifically prohibiting companies from using “mass balance” accounting methods to make those determinations. This bill comes at a time when industries are already committing millions of dollars to develop plans to meet landmark extended producer responsibility (EPR) recycling and recovery requirements for packaging and textiles.

AB 2253 does not strengthen recycling or help address the stated purpose of increasing consumer awareness. Instead, it creates an unnecessary regulatory hurdle that will result in **increased costs for the state, regulated entities, and ultimately consumers.**

Fiscal Considerations

AB 2253 could result in new cost pressures on the Attorney General's Office and city and county district attorneys that may seek to enforce these provisions. Given this bill expands these new requirements to all products and materials that may seek to make a recycled content environmental marketing claim, additional enforcement resources may be necessary. Additionally, passage of this bill will likely spark a flurry of private enforcement actions. The bill's undefined terms and lack of any compliance guidance will likely put manufacturers in the untenable position of facing an onslaught of alleged violations. The result, more court time, more legal fees and ultimately higher costs for consumers.

Impacts on Consumer Costs and Affordability

CalRecycle has estimated that the packaging EPR law (SB 54) represents a minimum \$21 billion program, a figure that is likely underestimating the true fiscal impact on California families. Additional regulatory barriers like AB 2253 will only drive-up costs for the regulated community and, ultimately, for consumers.

SB 707 establishes a first in the nation textile EPR framework that depends on robust, auditable data about material flows; AB 2253's ban on credit-based mass balance and book and claim accounting directly undermines key tools textile and apparel producers will rely on to track recycled content through blended production processes and meet SB 707's targets. By inserting a conflicting, mid-stream recycled content claims regime, AB 2253 will require rework of SB 707 needs assessments and PRO plans, delay implementation timelines, and divert limited resources away from activities that actually increase recycling, reuse, and landfill diversion. SB 707 was intentionally structured so producers, not taxpayers, fund end of life management; but AB 2253 makes compliance so complex and litigation prone producers may choose to strip environmental information from labels or exit the California market putting the producer fee base that these EPR systems rely on at risk, shifting more costs back onto local governments and ratepayers

AB 2253 Dismisses Globally Accepted Accounting Methods

Mass balance is a well-established, independently certified chain-of-custody system that has been used for decades to track recycled and responsibly sourced materials through complex manufacturing processes. AB 2253 dismisses this fact by prohibiting mass balance accounting methods that are also used in a variety of other sectors including renewable energy, cotton and textile recycling, California's Low Carbon Fuel Standard, fair trade coffee, forestry, as well as paper, plastics, metal and glass recycling.

Under mass balance, recycled material is physically introduced into the manufacturing process, and its content is tracked at every stage of production through a certification program, like ISCC Plus. Typically, each transaction is accompanied by a declaration identifying the amount and type of recycled content or sustainable content, which must transfer with the material as it moves through the supply chain. Independent auditors verify that the amount of recycled content credited to finished products never exceeds what physically entered the system. This is not a loophole or a workaround. It is a rigorous, transparent accounting standard that works precisely because it mirrors how real manufacturing works.

The International Organization for Standardization recently published global frameworks for tracking material flows. ISO standards are routinely referenced throughout California statute.

Mass balance accounting is necessary because most manufacturing involves mixing inputs from multiple sources in shared equipment. Arbitrarily prohibiting certain types of widely accepted accounting methods does not eliminate the underlying chemistry or logistics, it just eliminates the ability to account for recycled content.

As post-consumer recycled material markets mature, accounting tools like mass balance help recycling markets grow by enabling broader adoption across products and sectors. Should AB 2253 be enacted, manufacturers lose the ability to track and verify recycled content through blended production processes, making recycling systems more expensive, less transparent, less effective and resulting in unintended environmental impacts. The result: less recycling, higher consumer costs, and a regulated community set up to fail.

AB 2253 runs directly counter to the intent and spirit of the state's leading efforts to increase the amount of recycled material used in the production of new products. For the reasons stated above, we urge your NO vote on AB 2253.

Sincerely,

Adam Regele
California Chamber of Commerce

Katie Little
California League of Food Producers

Tim Shestek
American Chemistry Council

Sarah Pollo Moo
California Retailers Association

Erin Raden
Consumer Brands Association

Ivy Brittan
Plastics Industry Association

Cherish Changala
Western Plastics Association

George R. Fuchs
National Association of Printing Ink Manufacturers

Christopher Finarelli
Household & Commercial Products Association

Robert Peoples
Carpet America Recovery Effort (CARE)

JP Toner
International Bottled Water Association

Justin Koscher
Polyisocyanurate Insulation Manufacturers Association

Karin Ross
Personal Care Products Council

Matthew Grill
SNAC International

Jennifer Gardner
National Confectioners Association

Dennis Albiani
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Andrew Pappas
American Apparel & Footwear Association

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Melissa Koshlaychuk
Western Growers Association

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International Sleep Products Association

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PRINTING United Alliance

Frank Mortl III
Spray Polyurethane Foam Alliance

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