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Groups File Suit vs. California Law That Would Chase "Chasing Arrows" Away from Packaging

Only in California: a law that claims to support recycling by removing recyclability symbols from recyclable materials. A coalition that includes print and packaging businesses is pushing back

By Patrick Henry
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The famous “chasing arrows” symbol is one of the most instantly recognizable glyphs in the world. People everywhere know it as an invitation to recycle—not merely discard—packaging and other items that have served their first useful purpose.

But in California, where nothing related to the environment is ever simple, the chasing arrows have become something else: badges in a fight for constitutional rights that a coalition of business groups say the state’s “Truth in Recycling” law will take away from them.

The law is California State Senate Bill 343, and as of October 4, 2026, it will prohibit products and packaging from carrying the chasing arrows unless the items conform to the bill’s definition of what “recyclable” and “recycled” mean in actual practice.

Plaintiffs in a federal lawsuit filed against the bill on March 17, 2026 argue that the law violates the free speech clause of the First Amendment by keeping them from truthfully informing the public that their products and packaging can and should be recycled.

Preliminary Injunction Sought

The lawsuit, which also calls SB 343 unconstitutionally vague under the due process clause of the Fourteenth Amendment, seeks to enjoin state Attorney General Rob Bonta from enforcing or threatening to enforce SB 343 while the plaintiffs' case is being considered. If a judge grants a preliminary injunction, enforcement could be blocked while the constitutional challenges proceed.

Bringing the lawsuit is a coalition of 18 trade associations including the American Forest & Paper Association, the Flexible Packaging Association, and the Print Creative Alliance (formerly the Printing Industries Association, Inc. of Southern California). The rest represent farmers, food producers, restaurants, and grocers within the state.

This diverse group is united in its belief that SB 343 not only censors free speech—it also burdens producers with compliance costs, complex recordkeeping requirements, penalties for non-compliance, and exposure to litigation both by the state and by private parties.

In opposing SB 343, the plaintiffs are up against lawmakers and environmental advocates who see low rates of recycling in California as evidence of deliberate misinformation to consumers about the extent to which recycling actually takes place.

"Arbitrary" and Onerous

In the opinion of Gary Jones, Vice President, Environmental, Health, and Safety Affairs, PRINTING United Alliance, a lawsuit on First Amendment grounds is the right way for producers and users of packaging in California to confront SB 343.

"I agree conceptually with the approach of challenging it in its legality because of the way that it's structured," he says. Jones identifies the law's principal flaw as its "60/60" threshold, which he calls "arbitrary" and extremely difficult for companies putting products into packaging to comply with.

The 60/60 rule bars materials from being identified as recyclable unless they are collected by recycling programs that serve at least 60% of the state's population; and are sorted into recycling streams at processing facilities that serve at least 60% of recycling programs statewide.

Jones calls the cutoffs “really too aggressive in terms of what they’re trying to accomplish,” adding that he knows of no scientific studies that validate the formula as a benchmark for recyclability.

“The requirements of SB 343 don’t really encourage widespread recycling, because the only way you can get the chasing arrow symbol on your package is to hit the requirements,” Jones says. “But if you can’t hit the requirements, you can’t put the chasing arrow symbol on. So how would people know that your packaging is actually recyclable?”

A Matter of Interpretation

Proponents of SB 343 see no contradiction between restricting the use of the chasing arrows and achieving good recycling rates. They assert, moreover, that when the symbols appear where they don’t belong, recycling suffers as a whole.

In a written response, Heath Nettles, Deputy Director of the National Stewardship Action Council (NSAC), says his group’s position is that “recycling is not defined by what we collect. It’s defined by what is truly turned into new products and packaging. SB 343 is designed to align what consumers are told with what the system can realistically deliver.”

Packaging that carries recycling symbols without having an actual path to being recycled “creates a gap between perception and reality” for consumers, Nettles says. “So while broader labeling may increase collection, it does not increase recycling—and in many cases, it undermines it.”

Nor do supporters of the bill find any merit in the plaintiffs’ constitutional arguments.

Nick Lapis is Director of Advocacy for Californians Against Waste (CAW), which lists the adoption of SB 343 as one of its “major accomplishments” in environmental advocacy. He claims that in the past, courts have made it “super clear” that because commercial speech is not the same as political speech, commercial claims can be regulated to vet their honesty.

According to Lapis, California passed the first version of SB 343 in 1990. He says that since then, business groups have repeatedly failed to convince courts that laws governing environmental advertising hinder free speech.

“The courts have continuously thrown that out,” Lapis says. “it’s a very objective standard in the law.” He adds that because of the present lawsuit’s similarity to previous litigation, he expects it to fare no better.

Bill’s Originator Stands Firm

SB 343, written by California Senator Ben Allen, was signed into law on October 5, 2021. The labeling restrictions it establishes apply to products and packaging manufactured after October 4, 2026.

Allen’s office is adamant that the bill was forged to right a wrong by the packaging industry against California consumers. A written statement supplied by Ben Cheever, Allen’s press secretary, declares:

“The data has been clear for a long time now: many products claimed to be ‘recyclable’ are not actually recyclable under real world conditions. The consumer confusion this causes leads to practices that clog our waste infrastructure, leading to higher waste rates for residents, and compromises our collective circular economy goals.”

The First Amendment, Allen’s office maintains, does not give packaging producers the right to “lie” to consumers about recyclability. “We have false-advertising laws in place to prevent just that, and SB 343 was written in that spirit," the statement reads.

Speaking Up in Sacramento

The plaintiffs in the lawsuit against SB 343 have chosen Calkin Public Affairs, a Sacramento political consultancy, to communicate their position on behalf of the thousands of companies that the associations represent.

“The businesses represented by the plaintiff associations are most concerned with providing their customers accurate information about how to recycle their packaging,” says William Valentine, Senior Account Executive, in a written statement.

“Because SB 343 will prevent them from doing that when it comes into force in October, the plaintiffs will ask the judge to enjoin the law until the merits of their case can be decided.”

Filing to block implementation of the law will keep it from restricting businesses’ right to provide accurate information about recycling to consumers, according to Valentine. “If businesses cannot inform consumers about how to recycle used packaging, it is less likely to be recycled,” he says.

He adds that while it’s not possible to predict how open state lawmakers or the Governor’s office would be to a modification of SB 343, both support innovative approaches to growing recycling markets and building a circular economy.

Deconstructing “Recyclable”

Jones of PRINTING United Alliance notes that the bill’s definition of a “recyclable” material hinges not on whether it is capable of being recycled, but on whether it is being recycled at a rate that the bill’s proponents want to see.

He says this draws an artificial distinction between universally recycled materials such as corrugated and materials that don’t have robust recycling infrastructures to absorb them. According to Jones, the main problem with SB 343 and with extended producer responsibility (EPR) laws such as California’s SB 54 is that they contain “nothing that stimulates infrastructure.”

“They’re all front loaded,” he observes. “All the focus is on collection and separation. It doesn’t mean that separation and collection don’t need help. But without providing the demand for the material, once you collect it and separate it, you haven’t closed the loop. You haven't closed the circle in the circular economy.”

NSAC’s Nettles says the focus should be on ensuring that “recyclability claims reflect real-world conditions.” This means defining recycling not by what is collected but by how much of it is turned into new products and packaging.

“SB 343 is designed to align what consumers are told with what the system can realistically deliver,” Nettles says. “In that way, SB 343 is less about restricting information and more about improving accuracy. If producers want the recycling label, they need to design packaging that truly works in the system.”

Nettles adds that although eliminating the chasing arrows might seem counterintuitive to some, “removing misleading recycling labels doesn't reduce recycling. It strengthens it by focusing the system on materials that can truly be recovered and remade into new products and packaging.”

Still in the Quiver

SB 343 is not a blanket ban on the chasing arrows. “We’re not discouraging the use of recycled content claims on things that are actually recyclable,” says Lapis of CAW. “You are still allowed to continue to make claims. What you can’t do is make claims on products that are not getting recycled.”

Lapis believes that SB 343 takes a “very thoughtful approach” to setting rules of recyclability for packaging supply chains to follow. In his opinion, California’s Department of Resources Recycling and Recovery (CalRecycle), the state agency that administers SB 343, has even been “overly generous” in declaring some categories of materials to be in compliance with the law’s requirements.

Lapis also thinks that the part of the 60/60 rule that applies to share of population served “is actually a pretty low bar” for food and packaging producers to meet. What’s more, he adds, CalRecycle has already determined that plastics in resin categories 1 (PET), 2 (HDPE), and 5 (PP) satisfy the cutoff.

He notes that one of the requirements of SB 343 is that materials identified as recycled “be something that they routinely have a market for” after collection and sortation. In some cities, according to Lapis, “political lobbying by plastics companies” led to large-scale collection of materials that never went to recycling but were deemed compliant with recycling rules anyway.

By that stratagem, “you could lobby your way to recyclability without actually creating any markets,” Lapis says.

“Market Failure” Seen

Cheever, the spokesperson for Allen’s office, acknowledges that some plastics have more robust recycling markets than others and that some don’t have end markets at all. He says that this “market failure” will be corrected by SB 54, the EPR bill, which requires packaging producers to fund state recycling programs and hit specified recycling targets.

SB 343, which works in tandem with SB 54, “targets false advertising and greenwashing more than anything,” Cheever says. “If producers want to put the recycling label on their product, their product needs to actually be getting recycled at the rates outlined in the bill. This bill is requiring product labeling to be rooted in reality, not wishful thinking.”

Lapis says the two laws are “intrinsically tied to each other,” with SB 343 regulating what can be considered recyclable and SB 54 requiring the achievement of specified recycling rates. Getting up to those rates under SB 54 will be “much harder” than the “relatively easy hurdle” of meeting SB 343’s definition of recyclability, Lapis observes.

But according to Jones, the SB 343/SB 54 overlap could be the undoing of both pieces of legislation.

He notes that because SB 54 cross-references and incorporates the requirements of SB 343, a successful lawsuit against the latter would “tremendously impact” the status of the EPR legislation. He says that although it might still be possible to put some of the EPR bill’s components into effect, a defeat of SB 343 would “really put the brakes on SB 54.”

Beware Referendums

Nevertheless, Jones urges opponents of the two bills to be careful of what they wish for. In California, he says, the alternative to legislation often is voter referendums, and those popular enactments can be even harsher than laws on the books. This was the case with a statewide referendum on EPR which if passed would have been “worse than SB 54,” according to Jones.

He speculates that the plaintiffs in the lawsuit don’t want the bills to go away completely “because they’re afraid of what could happen” in subsequent referendums. “Ultimately the goal is to try and get something that’s a lot more reasonable and a lot more workable than what currently exists,” Jones advises.

He says that for now, SB 343 is unique in the restrictions it places on classifying materials as recyclable. But he notes that seven states have passed EPR legislation and that these laws, with no federal definition of extended producer responsibility to align around, lack uniformity.

“Every state has done a different version of its EPR,” says Jones, faulting Congress for failing to provide a nationwide model. “It’s really a mess.”

Dairy Group Sours on SB 343

The political and social arguments that surround environmental legislation in the Golden State can sometimes seem abstract. But to producers of packaged goods staring down the burden of compliance with SB 343, the facts on the ground are all too real.

Katie Davey, Executive Director of the Dairy Institute of California (DIC), says her group joined the lawsuit “because we had exhausted legislative and regulatory options.” The group had pursued both types of fixes for its concerns about SB 343 but was “unsuccessful in both routes,” Davey notes.

Aseptic and gable top beverage containers—universally used for milk, juice, and other kinds of drinks—are among many packaging items that could be barred from carrying recycling information under SB 343, according to Davey. She points out that this is a particularly troublesome issue for California, America’s leading producer of fluid milk.

Davey says DIC members serve institutional customers that include elementary schools and prisons. Both are environments where having to switch to another type of packaging could be hazardous.

“These are places where you want to have gable top cartons,” she cautions. “We don’t want put glass in the hands of inmates or small children.”

They Are, but They Aren’t

Davey says that thanks to advances in recycling technology, gable top and aseptic cartons are “completely recyclable.” Recyclable, that is, in terms of their ability to be recovered and reprocessed—but not recyclable as defined by SB 343’s 60/60 rule.

Davey says that after the bill was passed, CalRecycle did not correctly measure the extent to which gable top and aseptic cartons were complying with the 60/60 threshold.

When CalRecycle insisted on sticking with its methodology, a business coalition that included DIC asked for an “on ramp” opportunity to track products that were trending toward the 60/60 cutoff. This effort included adjusting optical sorters on collection lines and putting cartons into their own defined recovery streams.

“We got really granular and started doing that work, and that’s how we got the numbers up over the course of last year to above 60%,” Davey says. “In the summertime, we declared victory. We’ve worked within the regulatory process, which is what we want.”

“Big Surprise”

But toward the end of the year, “big surprise”: CalRecycle revised the statewide carton sortation rate from the coalition’s claimed 68% to 53%. The drop happened, says Davey, because a high-volume recycling center in Sacramento had simply decided to stop sorting cartons and focus on mixed paper instead.

“We thought we were there, and then we got this news in late December, and that was it, it was the kiss of death,” Davey says. “That’s when we realized there’s just a core issue with the way SB 343 is set up in the framework.”

She emphasizes that California’s dairy industry isn’t against recycling. “We wouldn’t be fighting so hard to save the recycling symbol on this packaging if we were,” she says. “That is what we truly desire. And we worked very hard in the regulatory process to achieve that outcome."

But when the outcome failed to materialize, and after Attorney General Bonta's office made it clear that it would crack down on violators of the truth in recycling law, DIC concluded that it had to protect itself by joining the lawsuit, Davey says.

Labeling restrictions established by SB 343 apply to products and packaging manufactured after October 4, 2026. Products and packaging manufactured before that date are not subject to the restrictions, regardless of when they are sold.

Long-Term Liability

But the difficulties here, says Davey, are that cartons don't carry dates of manufacture, and that dairy producers typically buy two or three years worth of them in advance—meaning that cartons now in inventory carry recycling symbols that could be interpreted as violating the law if they appear on store shelves after October 4.

The extended shelf life of many of the beverages the cartons contain prolongs the risk of exposure to enforcement, Davey adds.

Davey points out that complying with SB 54, which requires single-use packaging and plastic food ware in California to be 100% recyclable or compostable by 2032, won't be just a matter of swapping one type of packaging for another.

"That switch of packaging format requires us to change our processing infrastructure," she says, noting that filling lines are designed according to the types of packaging they will handle. Retooling the lines with machinery that might take years to install would be disruptive, especially if the demand for the new equipment happens all at once.

"This is so detrimental to our industry," says Davey of the combined impacts of SB 343 and SB 54. "We don't want to make it harder for Californians to recycle. We want to make it easier. And we are just truly looking for a regulation that makes sense, is easy to comply with, is feasible, and flexible."

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Patrick Henry is a journalist and an educator who has covered the graphic communications industry since 1984. The author of many hundreds of articles on business trends and technological developments in graphic communications, he has been published in most of the leading trade media in the field. He also has taught graphic communications as an adjunct lecturer for New York University and New York City College of Technology. The holder of numerous awards for industry service and education, Henry is currently the managing director of Liberty or Death Communications, a content consultancy.