

What's on Newsom's desk after the CA session end



California lawmakers sent a wave of packaging, recycling and food-waste bills to Gov. Gavin Newsom's desk this session.

The state's legislature adjourned for the year on Aug. 31, so none of the bills face any further legislative action. The only question now is whether Newsom signs or vetoes them before his Sept. 30 deadline.

Nick Lapis, director of advocacy at Californians Against Waste (CAW), walked through the group's priorities in a discussion at the CRRRA Conference in San Diego.

AB 2253 — Recycled content claims

[AB 2253](#), sponsored by CAW, was enrolled Sept. 3 and is now on Newsom's desk; he has until Sept. 30 to act. The bill requires that recycled-content claims be substantiated through one of several named chain-of-custody accounting models — including rolling-average and proportional-attribution methods — with written documentation tying the claim to third-party-certified recycled content in a company's supply stream. It would take effect Jan. 1, 2030.

"It basically just says that if you claim that you use recycled content, you have to actually use recycled content," Lapis said. "The only thing you can't do is buy credits from somebody else."

The bill garnered a split. Supporters included the California Product Stewardship Council, Beyond Plastics, and recyclers Republic Services, PureCycle and the Ecology Center. Opposition included Ameripen, the American Beverage Association, the American Chemistry Council, the Glass Packaging Institute and the Plastics Industry Association.

Lapis said California's attorney general has already treated that kind of credit-buying as illegal in at least one case, pointing to the state's suit against ExxonMobil over alleged misrepresentation of how much of its plastic was actually being recycled.

"We think this is largely already illegal," Lapis said, "so it's a little frustrating to see all these companies fighting to preserve it when you don't think they should be doing it anyway."

Kayla Robinson, legislative director at CAW, the bill's sponsor, said in a statement:

"Consumers shouldn't have to decipher complicated accounting methods to know whether a product actually contains recycled material. AB 2253 would help ensure those claims are grounded in the materials actually used to make a product, giving consumers greater confidence and rewarding companies that are genuinely using recycled materials."

PACK Act (HR 6832) — federal competing bill

The [PACK Act](#) (HR 6832), sponsored by Rep. Randy Weber (R-Texas), advanced through committee the same day CAW sent its legislative update, and is the only federal bill in this roundup.

The measure would set national standards enforced through the Federal Trade Commission (FTC) for recyclable, compostable and reusable claims on packaging, preempting the current patchwork of state truth-in-labeling laws, including California's.

"One of the frustrating things is watching them co-opt our terminology and our messaging about wanting truth in recycling," Lapis said. He argued that companies backing the bill, including flexible-packaging manufacturers, are pushing claims their own products can't support.

"If you look at the folks pushing it, none of their products are recyclable," he said.

SB 881 — Farm-to-food-bank tax credit

[SB 881](#), co-sponsored by CAW and California Food Banks (formerly known as the California Association of Food Banks), would extend two funding programs for food banks, including a 15% tax credit for farmers who donate surplus crops rather than let them go to waste in fields.

The program had a built-in expiration date, a concession made after an earlier version of the bill was vetoed and that sunset has now arrived.

The bill includes an urgency clause, meaning it would take effect immediately upon signing rather than on the usual Jan. 1 date.

"That's basically just enough to make it worthwhile to collect stuff that would have otherwise rotted in fields," Lapis said. "They're not making a ton of money on it, but it makes it worth their while."

Passing the extension has been harder this year because of the state's budget deficit, Lapis said.

"Anything that costs money is going to have a hard time," he said, pointing to California's reliance on volatile capital-gains tax revenue tied to boom-and-bust cycles in the tech sector.

Lapis framed the bill around food security:

"A lot of resources go into growing food, and nobody wants to see crops being left to rot in the field, especially when so many of our neighbors are food insecure. This bill supports farmers in getting uneaten food to those in need."

SB 54 litigation and the Oregon ruling

Beyond this year's bill slate, Lapis pointed to ongoing legal fights over extended producer responsibility (EPR) as the backdrop for California's own law, SB 54. California stakeholders are closely watching a recent Oregon ruling upholding that state's EPR program, as similar arguments are being used in litigation against SB 54.

US District Judge Michael H. Simon [issued the Oregon ruling](#) Aug. 27 in *National Association of Wholesaler-Distributors v. Feldon*, rejecting NAW's dormant Commerce Clause and due process challenges to Oregon's Plastic Pollution and Recycling Modernization Act. It's the first ruling on the merits of challenging a state packaging EPR law's constitutionality, and it's already being cited in a pending suit against SB 54 — *Nebraska et al. v. Heller*, filed in June in the Eastern District of California.

"I think it's interesting that a lot of these companies are attacking the core concept of producer responsibility in EPR, when that was always the industry's preferred solution," Lapis said. "They used to always say, 'Don't tell us what to do. Give us targets, and we'll figure out how to get there.' And then, when we've actually done that, they've started attacking that approach."

SB 1383 — Organics and composting

Beyond litigation, Lapis said CAW's priorities under [SB 1383](#), the state's organic waste law, are shifting from infrastructure buildout to two areas: edible food recovery funding and program effectiveness. Businesses are required to donate excess food under the law, he said, but the state hasn't funded the food banks and recovery organizations that have to process those donations.

"It's probably the only form of recycling that we expect to be done with volunteers and donations," Lapis said. "I think we need to fix that and really incorporate it into the system and fund it fully."

On participation, he pointed to lessons from San Francisco's early organics program, including something as simple as where a collection bin is placed in a restaurant kitchen.

"If they put the food scrap bin next to the prep area, it drastically increases collection," Lapis said. "But if it's a trash can there, everything goes in the trash."

