



CALIFORNIA STATEWIDE COMMISSION ON RECYCLING MARKETS & CURBSIDE RECYCLING

December 3, 2021

To: CalRecycle Director Rachel Machi-Wagoner, via email

SUBJECT: Request for Enforcement of California Laws on Recyclable Labels on Plastic Bags and Films

California's Statewide Commission on Recycling Markets and Curbside Recycling consists of representatives of public agencies, private solid waste enterprises, and environmental organizations. We are an independent commission chartered by California law to improve curbside recycling and organics management. Contamination of recycling and organics bins are at an all-time high, causing serious economic, safety, and environmental harms.

Flexible plastic bags and film are a major source of contamination in curbside recycling bins. The flexible plastic materials are harming curbside recycling systems by clogging machinery in material recovery facilities (MRFs) and fiber processors. There is not a comprehensive store takeback system for plastic bags or film in California. In MRFs, the plastic bags and film contaminate paper and cardboard bales and lower the quality and material value of the paper bales. Flexible plastic bags and films that depict the word "recycle" or the chasing arrows recycling symbol cause consumer confusion and contribute to contamination.

We write to request that California's existing laws on labeling of plastic bags be enforced and that retailers and product manufacturers be required to remove the word "recycle," "recyclable" and/or the recycling symbol from plastic bags and plastic films. Based on existing California law, it is our opinion that recyclable labels used on many plastic bags and films in California described below are not legal in State of California and are contributing to consumer confusion and contamination. Furthermore, it is our opinion that the recycling label (sometimes depicted as chasing arrows) is not compliant with the United States Federal Trade Commission (FTC) Green Guides and is not legal in the United States (U.S.). We also request that a portal be established for receiving complaints regarding inappropriate labeling of other products.

Common label errors on plastic bags and films distributed in California are described below. In Appendix 1, Table 1 provides a summary of plastic bags and films distributed by retailers and sold by product companies in California in 2021 that have incorrect recyclable labels. Photos and details of each bag are also provided in Appendix 1.

Common Label Errors on Plastic Bags and Films

- 1) **"100% Recyclable" or other forms of "Recyclable."** Use of the word "recyclable" in any form is not correct because plastic bags are not widely accepted in curbside bins in California or across the U.S. Mixed post-consumer plastic film waste has minimal-to-no market demand or current processing. This text should be eliminated from the bag.
- 2) **"Can be recycled at a participating store" or "Store Dropoff."** There is not a comprehensive store takeback system in California. California law (Cal. Bus. & Prof. Code § 17580 and Cal. Pub. Res. Code § 42355.5) and the federal Green Guides (16 C.F.R. § 260.2) require substantiation for recycling for claims such as this. It is our opinion that this claim is not provable. This text should be eliminated from the bag.



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- 3) **Large chasing arrows recycling symbol.** The FTC Green Guides only allow small resin identification codes on non-recyclable plastic products in inconspicuous locations.¹ We recommend changing the chasing arrows to a solid triangle and minimizing the size to make it inconspicuous.

These labels will likely cause consumers to place the bag in curbside recycle bins.

The Harms Caused by Plastic Film Contamination

According to The Recycling Partnership (TRP), more than half of Californians think plastic bags are accepted in their curbside recycling program, even though plastic bags are a top contaminant. This behavior is driven by the misunderstanding that the chasing arrows recycling symbol means the item is recyclable curbside and the recycling system will fix mistakes that the residents make. The brands know this is a problem: The Consumer Brands Association comprised of companies such as Coca-Cola, Keurig-Dr. Pepper, and Kellogg's published a report called "Reduce, Reuse, Confuse" that states on page 6 "92% of Americans did not understand the labels: 68% said they assume that any product with symbols for all seven codes would be recyclable. Upon learning that only two of the seven codes were typically recyclable curbside, 73% were surprised".

In CalRecycle's 2018 Waste Characterization Report, it was reported that 3.4 billion lbs. per year of plastic bag film and wrap waste was generated. (This amount does not include plastic bags intended for use as trash bags.) In the same report, CalRecycle states that plastic bag, film and wrap contamination is the largest type of contamination in curbside recycling bins at 12% by weight. Since plastic films are very light, the contamination volume is much higher.

According to TRP: "Plastic bags cause MRF operators to shut down the recycling line many times a day to cut off bags that have wrapped around equipment. This maintenance shut down reduces throughput for a facility, raises cost of labor to sort materials and maintain equipment, increases waste coming out of the MRF, and puts workers at risk of injury when they are performing maintenance."

MRFs and paper/cardboard processors agree that contamination of paper bales by plastic bags/films is a significant, costly problem. Paper/cardboard is a vital, valuable resource that must be recycled to avoid sourcing new feedstock (trees). Plastic contamination lowers the quality and material value of the paper and cardboard bales.

Next Steps

We look forward to your response and action on this matter.

Sincerely,

Heidi Sanborn, Chairperson, Richard Valle, Vice-Chair, and all Commissioners
cc: California Attorney General, Rob Bonta, via online submission
California State Legislature, via email

Appendix: Common labeling errors on plastic bags and films

¹ [U.S. FTC Green Guides, 260.13 \(d\) Example 8.](#)