



Green Claims Games: A Challenge to California's SB 343

Intro (0:00 – 02:13 min)

Main Content (02:13 min – 35:59 min)

- Background on California's SB 343 and the New Lawsuit (02:13 min – 04:17 min)
 - California's SB 343 ("Truth in Recycling" / "Truth in Labeling" law), enacted in 2021
 - [Bill Text - SB-343 Environmental advertising: recycling symbol: recyclability: products and packaging.](#)
 - Recyclable claims require 60% consumer access to recycling collection and 60% of facilities actually processing the material
 - Products manufactured after October 4, 2025 are subject to the law; products manufactured before that date are exempt regardless of when sold
 - SB 343 is relevant to California's SB 54 EPR law, which requires all covered products to be recyclable or compostable by 2032
 - March 2026: Constitutional challenge filed — *California League of Food Producers v. Bonta*
 - [complaint-sb-343-challenge-3-26-cv-01675-wqh-blm.pdf](#)
 - [Groups Challenge California Truth in Labeling Law | Keller and Heckman](#)
 - 18 plaintiff organizations including food producer groups, agricultural commissions, and packaging associations
 - **NEW UPDATE:** An amended complaint was filed on April 7 to add three additional plaintiffs
- Legal Theories Behind the Lawsuit (04:17 min – 13:03 min)
 - First Amendment challenge as an unconstitutional content-based restriction (strict scrutiny standard) and unconstitutional restriction on commercial speech (intermediate scrutiny standard)
 - [California Governor Newsom Signs Laws Affecting Environmental Marketing Claims | Consumer Protection Connection](#)
 - Due process, Commerce Clause, and void for vagueness challenges
 - [Bill Text: CA SB54 | 2021-2022 | Regular Session | Chaptered | LegiScan](#)
 - Categorical bar on use of the Resin Identification Code (RIC) triangle of arrows design raises significant concerns, particularly as 39 states have RIC laws and some mandate the triangle design

- Strategy Behind the Broad Plaintiff Coalition (13:03 min – 17:04 min)
 - 18 organizations span multiple industries, each describing distinct harms — including ban on truthful speech, inconsistency with other state laws, dual inventory costs, and higher disposal fees, violating Dormant Commerce Clause and Due Process rights
 - Broad coalition supports future motions for a TRO or preliminary injunction
 - Practical business questions already emerging: drop recyclable claims entirely, change the RIC design, or qualify claims by state?
- Litigation Timeline (17:04 min – 24:08 min)
 - Preliminary injunction hearing not yet scheduled but expected within coming months
 - Timing is critical given the approaching October manufacturing deadline — many companies are already past their window for packaging redesign
 - Whether or not an injunction is issued, litigation expected to involve a variety of appeals, and could extend 2+ years, including potential Ninth Circuit appeals and possible Supreme Court review
- The *NAW v. Oregon DEQ* Case and Its Relevance (24:08 min – 28:18 min)
 - Federal judge issued a preliminary injunction preventing Oregon DEQ from enforcing its EPR law against NAW members
 - NAW injunction is narrower in scope than what plaintiffs seek in the SB 343 challenge, which argues the law is flatly unconstitutional on its face
 - Other industry groups are now seeking to intervene in the Oregon case ahead of the July hearing
 - **NEW UPDATE:** The judge in that case has now denied motions to intervene in an opinion that seems to offer a roadmap for those groups to consider following in a separate legal challenge; has not altered the July 13 hearing date.
- Connections to Other Laws and the Broader Regulatory Landscape (28:18 min – 35:59 min)
 - California AB 1201 compostability restrictions create similar challenges, particularly for synthetic materials that cannot meet National Organic Program standards
 - Washington state restricts "home compostable" claims unless products are also industrially compostable, contributing to a fragmented national landscape
 - Patchwork of inconsistent state standards makes it increasingly difficult for national marketers to offer claims without excessive state-oriented disclaimers
 - Risk that SB 343 restrictions undermine California's own SB 54 EPR goals requiring recyclable or compostable products by 2032