

MANDATORY RECYCLED CONTENT LAWS FOR PACKAGING



OVERVIEW OF MANDATORY RECYCLED CONTENT REQUIREMENTS

Mandatory minimum recycled content policy is a proven market development strategy that has been employed at the state level for more than 30 years. In the early 1990s, nine states established minimum recycled content requirements for newsprint, and five states enacted such policies for non-newsprint items. Notably, and also in the 1990s, California enacted minimum recycled content laws for fiberglass, glass containers, plastic containers and plastic trash bags, while Oregon set standards for glass containers. These laws played an important role in supporting the expansion of recycling in the US in that decade by stabilizing markets for materials collected in the growing number of curbside recycling programs.

In the past three years, as communities have struggled with recycled commodity market volatility resulting from China's National Sword policy, several states have returned their focus to this proven recycling market driver. This fact sheet focuses on state mandatory recycled content laws for packaging, carryout bags, and trash bags.

Mandatory recycled content laws require manufacturers to use a minimum percentage of recycled material in the production of certain products or packaging. Recycled content requirements offer several benefits:

- They increase regional and national demand for recycled materials, creating a healthy recycling market
- They increase the market value of recycled materials
- They reduce economic risk for investments in capital-intensive recycling infrastructure
- They level the competitive playing field for brands and manufacturers
- They reduce demand for virgin materials in new products, reducing climate impacts associated with raw material extraction and production

IMPORTANT ELEMENTS OF RECYCLED CONTENT LAWS

- **Covered and exempt items:** Mandatory minimum recycled content requirements have been effectively applied to paper products (e.g., newsprint and paper bags), glass containers, plastic bottles, carryout bags, and trash bags.
- **Recycled content types:** Mandatory recycled content legislation may specify the type of recycled content that satisfies requirements, such as postconsumer recycled content as opposed to post-industrial (a by-product of manufacturing) or pre-consumer recycled content (a product that never reaches the consumer). Policy may require verification of recycled content.

- **Rates and dates:** Mandatory recycled content laws often set forth a timeline for compliance as well as incremental rate increases, allowing for the expansion of recycled content over time and into new applications.
- **Portfolio standards:** Portfolio standards allow for an averaging of recycled content across a company's "covered product" portfolio, allowing for flexibility in compliance.
- **Reporting and enforcement:** Producers may be required to track and report weights and percentages of recycled content used.

RECYCLED CONTENT LAWS MUST BE COUPLED WITH SUPPLY SIDE POLICY

Recycled content requirements are a demand-side policy. They ensure a strong demand-pull for recycled materials. They do not influence the supply of recycled materials since municipal recycling programs – which are a large source of recycled materials – are financially delinked from demand. Supply-side policies, like Extended Producer Responsibility (EPR), bottle bills, and mandatory recycling are some ways to increase the available material supply to meet recycled content requirements.

For example, [California's Beverage Container Recycling & Litter Reduction Act](#) provides market pull for recycled PET while the California Redemption Value law provides supply. Similarly, Maine and Oregon have bottle deposit legislation paired with mandatory recycled content for plastic beverage containers (see the table below).

RETAILER IMPACT AND RESPONSIBILITIES

Retailers should be aware of which products are covered by recycled content standards as there may be restrictions on the use and sale of products not in compliance with these provisions by retail establishments. Retailers that are also brands, wholesalers, or manufacturers may fall under direct requirements of recycled content legislation. See the table below for more information.

ADDITIONAL RESOURCES

For a detailed analysis of recycled content mandates as a policy tool for increasing demand for postconsumer recycled plastic, see the Ocean Conservancy's report "[Recommendations for Recycled Content: Requirements for Plastic Goods and Packaging.](#)"

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The table below provides an overview of state-level mandatory minimum recycled content laws for products and packaging in the U.S., including food and non-food containers, trash bags, and carryout bags. This fact sheet does not cover recycled content standards for newsprint.

State-level Mandatory Recycled Content Legislation for Packaging

STATE	LEGISLATION TITLE	MATERIALS COVERED	SUMMARY OF REQUIREMENTS
CA	California Beverage Container Recycling & Litter Reduction Act	Beverage containers subject to the California Redemption Value law.	Plastic beverage containers must contain no less than 15% postconsumer recycled plastic by January 1, 2022; 25% by January 1, 2025; 50% by January 1, 2030. Wine and distilled spirits in a box, bladder, pouch or similar container must contain no less than 15% postconsumer recycled plastic by January 1, 2024; 25% by January 1, 2027; 50% by January 1, 2032.
CA	Rigid Plastic Packaging Containers (RPPC) Law	Rigid plastic packaging containers	Mandates that manufacturers of rigid plastic packaging containers meet one of the following compliance options: Use 25% postconsumer material, reduce container weight; Achieve at least a 10% product concentration or increase product concentration and reduce container weight; Use reusable or refillable packaging; Meet a 45% recycling rate.
CA	Recycled Content Trash Bag Program	Plastic trash bags	Requires manufacturers and wholesalers of regulated plastic trash bags (those over 0.70 mils thick) to use a minimum aggregate of 10% Actual Postconsumer Material (APCM) in trash bags sold in California or a minimum aggregate of 30% APCM in all plastic products sold in California.
CA	Single-Use Carryout Bag Ban	Reusable carryout bags	Reusable plastic grocery bags must contain 40% postconsumer recycled content. Paper carryout bags must contain at least 40% postconsumer recycled content. Paper carryout bags intended to carry eight pounds or less must contain 20% postconsumer recycled content.
CO	Single-Use Carryout Bag Tax	Single-use paper carryout bags	Starting January 1, 2023, paper carryout bags must be made from 100% recycled material.
CT	An Act Concerning Recycled Content for Products Sold in Connecticut	TBD	Requires the Connecticut Commissioner of Energy and Environmental Protection to develop recycled content requirements for products sold in the state by December 1, 2022.
D.C.	Disposable Carryout Bag Law	Single-use paper carryout bags	Requires each paper disposable carryout bag provided by a retail establishment to contain a minimum of 40% postconsumer recycled content.
ME	An Act to Promote a Circular Economy	Plastic beverage containers	Requires plastic beverage containers to have at least 25% post-consumer recycled content beginning in 2026 and 30% beginning in 2031.
ME	Act To Eliminate Single-use Plastic Carry-out Bags	Single-use paper carryout bags	Requires single-use paper carryout bags with a capacity greater than 8-lbs to contain at least 20% postconsumer recycled content

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NJ	Recycled Content for Packaging	Rigid plastic containers, glass containers, paper & plastic carryout bags, and plastic trash bags.	<p>Requires rigid plastic non-beverage containers to include an average of 10% postconsumer recycled content by 2024, increasing 10% every three years until reaching 50% by 2036.</p> <p>Plastic beverage containers must include an average of 15% postconsumer recycled content by 2022, increasing 5% every three years until reaching 50% by 2045.</p> <p>Paper carryout bags must contain an average of 40% postconsumer recycled content by 2024 or 20% postconsumer recycled content if they hold eight pounds or less.</p> <p>Glass containers must contain at least 35% postconsumer recycled content by 2024 or 25% postconsumer recycled content if made up of at least 50% mixed-color cullet.</p> <p>Plastic trash bags must contain an average of 10% postconsumer recycled content by 2024 and 20% postconsumer recycled content by 2027.</p>
OR	Recycled Content in Glass Containers	Glass containers	Requires glass food, drink, and beverage containers manufactured in Oregon or within 750 miles of the border, to contain 50% recycled content.
OR	Minimum reuse or recycled content for rigid plastic containers	Rigid plastic containers	Rigid plastic containers must meet one of three criteria: 25% recycling rate; 25% postconsumer recycled content; or be reused or refilled at least 5 times.
OR	Sustainable Shopping Initiative	Single-use paper carryout bags	Paper checkout bags must contain at least 40% postconsumer recycled fiber.
WA	Recycling and waste and litter reduction	Plastic beverage containers, household cleaning & personal care products, trash bags	<p>Plastic beverage containers must contain 15% postconsumer recycled content by 2023; 25% by 2026; and 50% by 2031.</p> <p>Plastic containers for household cleaning and personal care must have 15% postconsumer recycled content by 2025; 25% by 2028; and 50% by 2031.</p> <p>Plastic trash bags must contain 10% postconsumer recycled content by 2023; 15% by 2025; and 20% by 2027.</p>
WA	Minimum state standards for the use of bags at retail establishments	Single-use paper & reusable plastic carryout bags	<p>A single-use paper carryout bag must contain a minimum of 40% postconsumer recycled materials.</p> <p>A reusable carryout bag made of film plastic must contain a minimum of 20% postconsumer recycled content until July 1, 2022, and thereafter must be made from a minimum of 40% postconsumer recycled content.</p>
WI	Recycled Content Plastic Containers	Plastic Containers	Requires that plastic containers consist of at least 10% recycled or remanufactured material.

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Disclaimer: Information in the tables above is meant to be a reference tool and may not be exhaustive of all legislation in the U.S. The information provides a summary and does not convey all aspects of legislated requirements. For example, the summaries do not necessarily include definition of terms, information on outreach and education requirements, penalties and enforcement, reporting, or instructions on how to comply. Links to legislation are accurate as of the date of this publication. Retailers should reference official agency resources and/or the appropriate legislative documents for comprehensive guidance.

Prepared by RRS. Founded in 1986 and headquartered in Ann Arbor, Michigan, RRS is a sustainability and recycling consulting firm that strives to create a world where resources are managed to maximize economic and social benefit while minimizing environmental harm.

The firm has industry professionals, engineers, economists, technical analysts, and communication specialists who share this vision and possess core strengths in materials and recovery, life cycle management, applied sustainable design, and collaborative action development.



ABOUT THE RETAIL COMPLIANCE CENTER

The Retail Compliance Center (RCC) provides resources on environmental compliance and sustainability for all types and sizes of retailers. The RCC's goal is to develop retail-specific resources, tools and innovative solutions to help companies cost-effectively improve their compliance and environmental performance.

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