

Truth mandated, speech challenged:

Federal judge issues preliminary injunction on the enforcement of California's SB 343 "Truth in Recycling" law on First and Fourteenth Amendment grounds

July 2026

Our firm [published this prior client alert](#) to help companies prepare for California's SB 343, known as the "Truth in Recycling Law," which is set to become effective on October 4, 2026. However, the law was recently [challenged](#) in the US District Court for the Southern District of California by a coalition that includes the Flexible Packaging Association and the American Forest & Paper Association, and earlier this week on July 14, 2026, that [court issued a preliminary injunction](#) preventing enforcement of SB 343 pending further proceedings in litigation.

Plaintiffs contend that SB 343 is (1) unconstitutionally vague under the Fourteenth Amendment to the US Constitution and (2) facially unconstitutional because it infringes on their members' free speech rights under the First Amendment to the US Constitution.

The court found that plaintiffs are likely to prevail in their argument that several SB 343 provisions are unconstitutionally vague under the Fourteenth Amendment. Specifically, the court concluded that SB 343 failed to provide adequate notice of the requirements that:

- Materials "routinely become feedstock"
- Materials be reclaimed in a manner "consistent with the Basel Convention"
- Plastic packaging complies with the Association of Plastic Recyclers (APR) Design Guide
- Products be designed to "ensure recyclability" and not "prevent recyclability"

The court also concluded that plaintiffs are likely to succeed in their First Amendment challenge because:

- SB 343 regulates potentially misleading rather than inherently misleading speech
- California has substantial interest in (1) improving recycling rates and (2) reducing consumer confusion

- Defendant fails to establish that SB 343 directly and materially advances California's substantial interests in improving recycling rates and reducing consumer confusion
- The law is more extensive than necessary to serve defendant's purported interests

Importantly, the court held that the challenged provisions are severable from the remainder of the statute, meaning those provisions could potentially be invalidated without eliminating the entire statutory framework. That said, it appears the current preliminary injunction applies to the entirety of SB 343 and ultimately, the court directly enjoined enforcement of SB 343 pending further order.

The decision also raises serious questions regarding the validity of California's Extended Producer Responsibility law, SB 54. SB 54's recyclability requirements are closely tied to SB 343's definitions and determinations (e.g., under SB 54, packaging is "recyclable" if it satisfies SB 343's criteria). Therefore, further proceedings assessing SB 343 may well have significant implications for SB 54.¹

Given the inherent uncertainty, it seems prudent for companies to continue their internal preparations for compliance with SB 343 but pause finalizing changes to packaging until there is more certainty.

Squire Patton Boggs (US) LLP will continue to monitor this case and other related challenges and update as appropriate.

¹ SB 54 has also separately been challenged by a similar coalition. On June 22, 2026, a group of 17 state attorneys general, as well as the National Association of Wholesaler-Distributors (NAW) challenged SB 54 on First Amendment and commerce clause grounds, as well as various other state and federal constitutional grounds.

Contacts



Kendra S. Sherman
Partner, Columbus
T +1 614 365 2726
E kendra.sherman@squirepb.com



Danelle Gagliardi
Senior Associate, Columbus
T +1 614 365 2820
E danelle.gagliardi@squirepb.com



Allen A. Kacenjar
Partner, Cleveland
T +1 216 479 8296
E allen.kacenjar@squirepb.com



Abigail Dop
Associate, Columbus
T +1 614 365 2374
E abigail.dop@squirepb.com

The opinions expressed in this update are those of the author(s) and do not necessarily reflect the views of the firm, its clients, or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

© Squire Patton Boggs. All Rights Reserved 2026.