Testimony to the U.S. House of Representatives

Energy & Commerce Committee

Subcommittee on Commerce, Manufacturing, and Trade

"Legislative Proposals to Strengthen Consumer Protection in a Changing Marketplace"

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John Hewitt

Senior Vice President of Packaging and Sustainability

Consumer Brands Association and Recycling Leadership Council

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Executive Summary

Environmental marketing claims are governed by overlapping and conflicting federal and state laws. Further contributing to the confusion are recycling standards developed decades ago that no longer reflect how products are made or used today, especially when it comes to plastics. These outdated and inconsistent policies create significant consumer confusion with recycled content and recyclability claims, unnecessarily increase consumer costs, generate regulatory uncertainty and stifle economic investment in domestic manufacturing. The Recycled Materials Attribution Act (RMAA) and the Packaging and Claims Knowledge (PACK) Act would provide consumers with clear, consistent and trustworthy labeling to make more informed purchasing decisions.

- The RMAA establishes a consistent national framework for substantiating recycled-content claims, which reflect modern recycling technologies and provide consumers with greater confidence that these claims are accurate, verifiable and consistently applied.

- The RMAA promotes American manufacturing and investment by reducing regulatory uncertainty, supporting innovation in recycling technologies, strengthening domestic supply chains and enabling manufacturers to operate under one consistent national standard rather than conflicting state requirements.
- The PACK Act creates a consistent national framework for recyclable, compostable and reusable claims, ensuring consumers receive clear and reliable information regardless of where a product is sold while reducing conflicting compliance obligations for businesses.

Taken together, the two bipartisan truth-in-labeling bills before you today will strengthen consumer protections against deceptive marketing claims, establish uniform guidance for businesses, facilitate a more functional and credible recycling system and enable products and packaging to move more efficiently across state lines.

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Statement of John Hewitt, Senior Vice President of Packaging and Sustainability:

Chairman Bilirakis, Ranking Member Schakowsky, thank you for this opportunity to share the perspectives of the Recycling Leadership Council and the Consumer Brands Association on the truth-in-labeling consumer protection bills pending your committee's consideration. These pieces of legislation are critical to addressing a conflicting patchwork of federal and state laws that contribute to consumer confusion, discourage private investment in innovative recycling technologies and ultimately affect the affordability of everyday consumer products.

The Recycling Leadership Council (RLC) is a cross-industry coalition committed to reducing plastic waste and advancing practical, bipartisan solutions to increase U.S. recycling capabilities. Led by the Consumer Brands Association, the RLC brings together leaders from manufacturing, packaging and recycling to serve as the unified national voice pushing for policies that will improve recycling outcomes and protect consumers across the country.

Consumer Brands' member companies place consumer protection and safety at the center of their business. The association represents America's food, beverage, household cleaning and personal care manufacturers — the country's largest domestic manufacturing sector by employment, supporting more than 22 million jobs and contributing $2.5 trillion in GDP. Our products are critical to the lives of Americans every day, and as a highly regulated industry, we rigorously adhere to an ethos of consumer protection and safety. However, the expansion of complex, conflicting and even contradictory laws and regulations across the country increasingly challenges this commitment and could strain the availability and affordability of everyday products.

Candidly, our industry also uses a lot of packaging, which ensures product and consumer safety, affordability and convenience. Whether ensuring products remain undamaged through transportation and delivery or improving a product's shelf life to guarantee consumers receive the freshest product possible, our members make intentional packaging decisions to meet consumer expectations and sustainability commitments. Responsible stewardship of our businesses and limited resources is a clear rationale to encourage consumers to recycle, protect consumers from misleading claims and strengthen resilient supply chains.

A desire for greater material circularity, particularly for packaging and products that may be challenging to recycle today, is not unique to our industry — in fact, many others, from automotive to textile and apparel, are also seeking solutions to recycle and reuse materials. Consumers want to recycle and packaging to be made with recycled content. Companies in nearly every sector are currently making and want to continue making qualified, verifiable claims about the recyclability of their products and the recycled content of those products. This broad support for reducing waste and addressing consumer confusion about recycling is what led us to establish the Recycling Leadership Council and is the basis for our support of both the Recycled Materials Attribution Act (RMAA) and the Packaging and Claims Knowledge (PACK) Act.

Rationale for Truth-in-Labeling Consumer Protection Legislation

Members of this committee on both sides of the aisle should be commended for their efforts to strengthen consumer protections and increase trust in marketing claims on packaging. Our testimony addresses how these bills work in tandem to reduce consumer confusion and provide much-needed clarity to support new domestic innovations and private investments that will help keep everyday consumer products affordable.

The RMAA and the PACK Act recognize that recycling and the markets that support the use of recycled materials are inherently national in scope. Products, packaging and recovered materials move through interstate and global supply chains, and consumers purchase products in a national marketplace. Because the environmental benefits associated with recycling depend upon broad participation and consistent consumer understanding, the recycling system itself is a matter of national interest. The RMAA's and PACK Act's establishment of uniform federal definitions and standards is particularly important in light of the increasingly fragmented and conflicting landscape of state requirements. Although the FTC's Green Guides have long served as the primary national framework for environmental marketing claims, the Guides are just that — "guidance" — and in themselves do not resolve conflicting state requirements. As a result, companies are increasingly confronted with divergent state requirements that can be difficult and, in some cases, impossible to reconcile.

At its core, these pieces of legislation recognize that consumers increasingly want reliable information about the environmental attributes of the products they purchase. Environmental marketing claims empower consumers to make purchasing decisions that align with their values, but only if those claims are understandable, accurate and consistently applied. The current fragmented system of varying state requirements and ambiguous standards unnecessarily contributes to consumer confusion, diminishes confidence in environmental claims and frustrates our ability to achieve a circular economy. At the same time, outdated and inconsistent definitions of recycling hamper the ability of companies to educate consumers about advancements in recycling technologies and the role those technologies play in increasing the amount of material that can be recycled.

Recycled Materials Attribution Act (RMAA)

Nationally, CPG companies are the backbone of domestic manufacturing. However, they are increasingly confronted with a patchwork of state packaging laws — including packaging extended producer responsibility (EPR) programs and standalone recycled content mandates — that employ different definitions of "recycling," different approaches to recognizing non-mechanical recycling technologies and differing expectations for substantiating recycled-content claims. These inconsistencies leave brands uncertain about what qualifies as recycled content, how those products may be marketed and ultimately impede our ability to achieve a more circular economy.

While some states, such as Washington, expressly recognize specific non-mechanical recycling processes under their packaging laws, others have adopted more uncertain approaches. For example, New Jersey's guidance states that outputs from pyrolysis and gasification, forms of non-mechanical recycling, do not qualify as recycled content for purposes of its recycled-content mandates, but keeps the door open for outputs from other non-mechanical recycling technologies to count as recycled content, as approved by the agency on a case-by-case scenario.

The RMAA addresses this inconsistency by establishing a uniform approach to recycling and recycled content claims that recognizes legitimate non-mechanical recycling technologies alongside traditional mechanical recycling. Further, the RMAA establishes a transparent, science-based, auditable framework for substantiating recycled content claims by allowing recycled materials to be tracked through third-party-verified mass-balance accounting, a widely used accounting methodology across many industries, by tracking documented recycled inputs through complex manufacturing processes where physical segregation is not feasible. This approach is necessary because, in many manufacturing applications, it is not possible to distinguish recycled from virgin molecules in the final product. Importantly, the RMAA also requires third-party certification of recycled-content claims, providing manufacturers, regulators and consumers with transparency and confidence that those claims are accurate and verifiable. Mass-balance accounting is already widely used domestically and internationally for recycled, renewable and low-carbon materials, helping create consistency across global supply chains while reducing barriers to bringing more recycled materials back into commerce.

A consistent national accounting framework for substantiating recycled content claims is particularly important because of non-mechanical recycling technologies' increasingly important role in modern plastics recycling. Non-mechanical recycling technologies break down used plastics that would otherwise be directed to a landfill into valuable raw materials that can be used to manufacture new products. Unlike mechanical recycling, which generally processes plastics by cleaning and remelting them, non-mechanical recycling works at the molecular level and can handle many plastics that are difficult to recycle through traditional methods, such as plastic films, multi-layer flexible packaging and food-contaminated plastics. The resulting outputs from non-mechanical recycling decrease the need for virgin inputs and can be used to manufacture products that require high performance, purity or regulatory compliance, including food-contact packaging, healthcare products and other consumer goods. This is particularly important because some applications require material characteristics that are difficult to achieve using conventional recycling methods alone.

Because these technologies recover materials that would otherwise be landfilled, they help increase overall recycling rates, reduce reliance on virgin-based feedstocks, support domestic manufacturing and strengthen supply-chain resilience. From an environmental perspective, a 2021 study by Closed Loop Partners found that purification, depolymerization and pyrolysis, all forms of non-mechanical recycling, generally require less energy and produce fewer greenhouse gas emissions than the equivalent virgin plastics supply chains. Similarly, a 2023 study published by Argonne National Laboratory in the *Journal of Cleaner Production* found that in the most plausible scenario, producing HDPE and LDPE through pyrolysis can reduce greenhouse gas emissions by up to 23% and 18%, respectively, compared to virgin plastic production.

The RMAA is a targeted bill aimed at providing consistency for marketing recycled content; it does not affect a state's ability to implement and enforce recycled content requirements. For example, Connecticut's recycled content law requires that plastic beverage containers include a certain amount of post-consumer recycled material verified using state data or prorated regional or national data (approximations). Connecticut's law is silent as to how the bottles can be marketed and whether non-mechanical recycling counts toward the minimum recycled content requirements. The RMAA does not alter Connecticut's recycled content requirements but rather permits brands that use recycled content from non-mechanical sources to advertise as such, provided that those additions are verified through third-party-certified mass-balance accounting. The RMAA incentivizes companies to go above and beyond in their use of recycled content while providing consumer transparency and safeguards for marketing claims. The RMAA advances the FTC's longstanding consumer protection mission by providing statutory definitions that complement, not replace, the FTC's authority over deceptive environmental marketing. These definitions can be operationalized through periodic updates to the FTC's Green Guides. Consumers should be able to expect that when a product claims to contain recycled content, the claim is supported by competent and third-party-verified reliable scientific evidence.

Truthful and understandable recycling claims also provide consumers with greater agency in the lifecycle of products. By informing consumers about the use of recycled materials — and recognizing all legitimate recycling technologies that contribute to producing those materials — the legislation strengthens the connection between consumer behavior and environmental outcomes. This is particularly relevant as companies seek to provide detailed and accurate information to consumers, leveraging technology to offer greater transparency and increase recycling rates. For example, there have been substantial innovations in the packaging labeling space in recent years, specifically the growing use of on-package QR codes that provide consumers with jurisdiction-specific recycling instructions, which can be easily updated to reflect changes in material recyclability. Consumer Brands launched one such innovative labeling technology, SmartLabel, in 2015 with the original intention of providing consumers with detailed product information. A recent partnership with The Recycling Partnership and Can I Recycle This (CIRT) now integrates zip code-level recycling instructions and packaging details into its QR code platform.

SmartLabel is a nimble, adaptive digital consumer transparency standard that enables producers to include information on ingredients, nutrition, allergens, and recycling instructions on packaging via a QR code, which would otherwise be unable to fit on the packaging. SmartLabel can provide consumers with zip code-level recycling instructions, enabling them to determine if their specific packaging is accepted for recycling in their jurisdiction. SmartLabel is used by millions of consumers each year and serves as a standard with nearly 100,000 products from over 1000 brands currently participating in SmartLabel.

When consumers trust that recycling and recycled-content claims are accurate, they are more likely to participate in recycling programs and support products that incorporate recovered materials, reinforcing demand for recycled feedstocks throughout the economy. That's exactly what the two consumer protection bills in your committee seek to accomplish.

Packaging and Claims Knowledge Act

The PACK Act is intended to reduce consumer confusion and does so by providing certainty to recyclable, compostable and reusable claims on consumer packaging. Conflicting state and federal laws and regulations governing recyclability claims confuse consumers, complicate supply chains and unnecessarily increase compliance costs for businesses.

California's SB 343 provides a particularly instructive example. The Green Guides permit an unqualified recyclable claim when recycling facilities are available to at least 60 percent of consumers where the product is sold. By contrast, SB 343 prohibits recyclable claims unless a product satisfies California-specific collection and sortation thresholds based on facilities serving at least 60 percent of California's population. Thus, a product may be lawfully marketed as recyclable under the FTC's national standard while simultaneously being prohibited from making the same claim in California. The recent preliminary injunction against enforcement of SB 343 further underscores the legal uncertainty surrounding these state-specific recyclability requirements, illustrating the confusion and disruption created when state-specific standards diverge from the FTC's national framework.

Likewise, the treatment of the resin identification code (RIC) demonstrates the practical conflicts that arise from overlapping standards. The Green Guides expressly recognize that an inconspicuous RIC appearing within chasing arrows does not necessarily constitute an unqualified recyclability claim. Yet California law generally prohibits the per se use of the chasing arrows symbol, including in connection with the RIC unless the product satisfies California's definition of recyclable. This conflict is particularly consequential because dozens of states mandate the use of RICs, many of them within chasing arrows, creating circumstances where businesses are forced to choose which state law they comply with and which they run afoul of. It should be noted that on July 14, 2026, just last week, in fact, a California federal court found that California’s definition of recyclable was unconstitutionally vague while also violating the First Amendment. Specifically, the court found that SB 343’s broad limitations on disseminating recycling information, including qualified recyclability claims, which would otherwise allow consumers to make informed choices about the circumstances under which products and packages should be recycled, run afoul of First Amendment principles. These divergent standards create more than compliance challenges; they also undermine consumer protection objectives. Consumers may receive different messages about the same product depending on the state in which it is sold or may encounter the same symbol carrying different legal significance across jurisdictions. Such inconsistency risks consumer confusion, erodes trust in environmental marketing claims and may ultimately discourage consumers from relying on recycling information altogether.

California is not an isolated example. Similar inconsistencies are increasingly emerging across state environmental marketing laws, creating conflicting obligations for businesses while leaving consumers with different information depending on where they live. The PACK Act addresses this divergence between SB 343 requirements and the FTC Green Guides, establishing a consistent national framework for “recyclable” claims, along with “compostable” and “reusable” claims, on consumer packaging. A consistent federal framework reduces the risk that recyclable claims have different meanings in different jurisdictions and provides consumers with greater confidence that environmental representations are reliable and comparable across products and markets.

Conclusion

By promoting truthful environmental marketing claims through clear, nationally consistent and enforceable standards, the RMAA and PACK Act will help to create a stronger, more circular economy. Reliable information about recycled content encourages private investment in recycling infrastructure, supports demand for recycled materials and reinforces the market incentives necessary to keep valuable materials in productive use rather than sending them to disposal. Robust consumer protection and circular economy objectives are mutually reinforcing: consumers receive accurate information that enables informed purchasing decisions, while the marketplace benefits from increased confidence in sustainability claims, greater private investment in domestic recycling infrastructure and stronger markets for recycled materials.

Together, these two bipartisan truth-in-labeling bills before you today will strengthen consumer protections against deceptive marketing claims, establish nationally consistent standards for businesses, support private investment in domestic recycling infrastructure and improve the efficiency of interstate commerce. I ask for your support in passing these common-sense bills, which demonstrate that consumer protection goes hand in hand with promoting affordability, recycling and manufacturing investment. Thank you for the opportunity to provide written testimony, and for your thoughtful consideration of both the Recycled Materials Attribution Act (RMAA) and the Packaging and Claims Knowledge (PACK) Act.

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