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Sweeping California law on single-use plastic meets with outrage from all sides as it goes live

By [Susanne Rust](#)

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- Environmentalists are rejecting California's implementation of its landmark single-use plastic law taking, claiming regulators inserted loopholes favoring the plastic industry.
- The regulations allow "chemical recycling" that produces hazardous waste and grant exemptions for certain plastic foodware.
- The packaging industry has stalled similar laws in other states with legal challenges over compliance costs and constitutionality.

Within days of California's long-anticipated single-use plastic law going into effect, environmentalists, anti-waste activists and the packaging industry reacted with anger and frustration.

Anti-plastic activists say Gov. Gavin Newsom's administration and CalRecycle [inserted exemptions](#) favoring the plastic industry into the law's regulations that weaken it and undermine legislative intent.

"These new rules create huge loopholes for plastic packaging that violate the law," said Avinash Kar, senior director of the toxics program at the Natural Resources Defense Council.

On the other side, the packaging industry has sued over similar laws in other states. "Our members have real concerns about cost, compliance, and constitutionality," said Matt Clarke, spokesman for the National Assn. of Wholesaler-Distributors, which [sued Oregon earlier this year](#) over a similar waste law.

CalRecycle, the state's waste agency, did not respond in time for publication. The final regulations putting the law into effect were released May 1 and posted for review Tuesday.

The environmental organizations say the law's new final regulations open the door to what is known as "chemical recycling," which produces large amounts of hazardous

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waste. The law also contains problematic exemptions for certain categories of plastic foodware, they say.

The language of the law forbids any kind of recycling that would produce significant amounts of hazardous waste. The new regulations allow for these recycling methods if the facilities are properly permitted.

The new regulations also exempt certain products if they are already covered by federal law. For instance, a packaging company, retailer or distributor can claim that they have such a preemption, Kar said, and CalRecycle might not immediately review that claim. “And as long as they don’t review it, they’ll get the exemption for as long as CalRecycle doesn’t review it,” creating a potential “forever loophole.”

“Californians were promised a system where producers take real responsibility for the waste they create,” said Nick Lapis, advocacy director for Californians Against Waste. “When regulations introduce broad exemptions and redefine key terms, that promise starts to erode. The details matter here, and right now they don’t line up with the intent of the law.”

Senate Bill 54, the Plastic Pollution Prevention and Packaging Producer Responsibility Act, was [signed by Newsom in 2022](#). It was considered landmark legislation because it addressed the scourge of single-use plastics, requiring plastic and packaging companies to use less of them and ensuring that by 2032, all food packaging is either recyclable or compostable.

Accumulating [plastic waste](#) is overwhelming [waterways and oceans](#), sickening marine life and threatening [human health](#).

The law’s intent was not only to reduce it, but also to put the onus and cost of dealing with it on packaging producers and manufacturers, not consumers and local governments. It was supposed to incentivize companies to consider the fate of their products and spur innovation in material redesign.

According to [one state analysis](#), 2.9 million tons of single-use plastic and 171.4 billion single-use plastic components were sold, offered for sale, or distributed during 2023 in California.

Similar laws have been passed in Maine, Oregon, Colorado, Minnesota, Maryland and Washington. Oregon’s law, however, is on hold while a lawsuit by the National Assn. of Wholesaler-Distributors [works its way through the courts](#).

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“We see a lot of the same problems in California that we flagged in Oregon,” said Clarke, the trade group spokesman. “Given California’s scale, the cost implications are going to be even larger. Our legal counsel has noted that California’s proposed fees are already higher than what other states have put forward.”

Jan Dell of Last Beach Cleanup, an anti-plastic waste group based in Laguna Beach, doesn’t believe the law will work — irrespective of the final regulations — and said the “exorbitant” cost of its implementation will either spur producers to sue, or they’ll end up passing the higher costs onto consumers.

She referred to a [report from the Circular Action Alliance](#), the state-sanctioned group established to represent and oversee the implementation of the law on behalf of the plastic and packaging industry. It finds the law will increase the cost of disposal between six and 14 times for common products, such as Windex bottles, made of polyethylene terephthalate.

“If the producers don’t successfully sue to stop the fees, this will certainly add to product inflation for CA consumers,” she said in an email. “Californians already have to pay exorbitantly high curbside collection fees for trash, recycling, and organics ... so, starting in 2027, our groceries will cost a LOT more but we won’t see a reduction in our waste bills.”

[Christopher “Smitty” Smith](#), a partner at law firm Saul Ewing in Los Angeles, who counsels companies and interest groups on SB 54 and other Extended Producer Liability laws, said that although he could see areas of the law that “could be sharper and avoid the legal challenges ... you can’t stop people from suing.” Environmentalists and anti-waste activists say they are preparing a lawsuit.

Smith said the law already has sparked changes in how companies think and respond to concerns about waste.

One of his national fast-food chain clients has realized that if its brand name is on plastic packaging, it’s that company’s responsibility, he said, so “they’ve spent the past year mapping out their franchise agreements, their supply chain agreements, their producer agreements, to figure out” what it needs to do to comply.

He said in the past, companies have paid little attention to these details and just let their franchisees figure this kind of thing out. Now, they’re spending a lot of time and money “to wrap their arms around what their supply chain looks like and like, what post consumer use of their plastic products looks like and what their regulatory obligations are.”

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It's bringing a new dialogue within companies. And that, Smith said, is what could make this law so powerful.