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The Packaging and Claims Knowledge Act (PACK Act) - H.R. 6832

Frequently Asked Questions

The bipartisan PACK Act directs the Federal Trade Commission (FTC) to establish a federal framework governing recyclable, compostable, and reusable claims on consumer packaging. This bill is intended to provide a consistent national framework for environmental marketing claims, reduce confusion caused by differing state requirements, and help businesses communicate accurately across state lines.

By improving the clarity and reliability of packaging claims, the PACK Act supports informed consumer choices and can help reinforce proper disposal of consumer packaging materials as part of a broader circular economy.



Q: *What problem is the PACK Act trying to solve?*

A: The PACK Act addresses consumer confusion and interstate commerce challenges from inconsistent state rules governing the specific environmental marketing claims of “recyclable,” “compostable,” and “reusable” on packaging. The Federal Trade Commission (FTC) lacks the authority to enforce federal guidelines on such matters, and states are beginning to enact wide-ranging, inconsistent regulations. The PACK Act directs the FTC to establish a clear federal framework that preempts state rules so consumers receive accurate and understandable information, and companies can apply claims consistently nationwide.



Q: *What types of claims does the PACK Act cover?*

A: The PACK Act focuses specifically on the environmental marketing claims of “recyclable,” “compostable,” and “reusable” found on consumer-facing packaging. The bill focuses on how recyclable, compostable, and reusable claims can be made for consumer packaging across different types, shapes, sizes, and colors.



Q: *Does the PACK Act preempt state labeling laws?*

A: The PACK Act preemption provision is limited to labeling laws and preserves states’ ability to implement other environmental policies such as extended producer responsibility (EPR) programs, recycling infrastructure improvements, etc. The bill simply ensures that consumer packaging labeling is governed by a consistent national framework, preventing conflicting state requirements that make interstate commerce impractical. To do this, the PACK Act builds on the Federal Trade Commission’s existing authority to police deceptive environmental claims and to create consistent rules for doing so.



Q: *Does the PACK Act require companies to make specific environmental claims?*

A: No. The bill does not require any company to make recyclable, compostable, or reusable claims. It only establishes a harmonized framework for how such claims must be substantiated if companies choose to make them on consumer packaging.



Q: *How does the PACK Act relate to the FTC Green Guides?*

A: The PACK Act follows the same federal framework concept as the FTC Green Guides, but it does not change the existing Green Guides. The PACK Act amends the FTC Act to direct the agency to create a harmonized system to prohibit unfair and deceptive claims on consumer packaging. The FTC will administer the system, considering input from the Environmental Protection Agency and a newly created Advisory Board. The Act reinforces the FTC's existing authority to oversee recyclable, compostable, and reusable claims in a similar manner as it oversees the Green Guides.



Q: *Does the PACK Act cover all claims addressed in the FTC Green Guides?*

A: No. There are only three specific claims covered by the PACK Act: recyclable, compostable, and reusable.



Q: *Does the PACK Act freeze standards based on today's infrastructure?*

A: No. Nothing in the bill prevents the FTC from strengthening guidance as recycling, composting, and reuse systems evolve. The guidance provision is designed to adapt as infrastructure and access evolve.



Q: *Does the PACK Act dictate technical standards or metrics?*

A: No. The bill does not include any specific metrics, such as access thresholds or recovery rates.



Q: *Will the PACK Act require third-party certification from a particular accrediting body?*

A: No. The PACK Act only requires certification from any accredited third-party certification body that is qualified to authorize recyclable, compostable, and reusable claims on consumer packaging. This allows businesses to use a variety of qualified independent parties to certify that packaging claims comply with the law. There is nothing in the PACK Act that restricts current or future certification programs from becoming accredited to provide the substantiation necessary for packaging claims. Certification under the PACK Act gives producers the ability, outside federal regulations, to substantiate their recyclable, compostable, and reusable claims.



Q: *Is the third-party certification voluntary or mandatory?*

A: Companies are not required to make a recyclable/compostable/reusable claim on their packaging. If a company voluntarily decides to make a recyclable/compostable/reusable claim on its packaging, it must comply with the law and obtain a third-party certification from an accredited certification body. The third-party certification requirement only applies to recyclable, compostable and reusable claims. Producers may use any accredited third-party body to substantiate their claims.



Q: *Why does the PACK Act require third-party certification?*

A: The third-party certification was included for two reasons. First, it addressed potential concerns from lawmakers who wanted to ensure that claims of recyclable, compostable and reusable on packaging were made in accordance with federal guidelines. Second, it provided an alternative to requiring potentially ill-perceived and time-consuming implementation regulations.



Q: *What is the timeline for implementation?*

A: The PACK Act directs the FTC to issue guidance within 18 months of enactment. Companies would then have an additional implementation period to come into compliance. This phased approach ensures adequate time for the FTC to develop comprehensive guidance and for businesses to adjust their labeling practices accordingly.



Q: *What happens if a company makes a non-compliant claim?*

A: The FTC has authority to enforce the PACK Act using its existing enforcement tools, which may include cease-and-desist orders, corrective advertising, and civil penalties for knowing violations. The bill leverages the FTC's established enforcement framework rather than creating new mechanisms, ensuring consistency with existing consumer protection law.



Q: *Does the PACK Act affect small businesses differently from large companies?*

A: The PACK Act establishes the same certification standards for all companies making a recyclable, compostable, or reusable claim, but recognizes that smaller businesses may need guidance and transition time. By creating a single national standard, the bill actually reduces complexity and compliance costs for small businesses, which would otherwise need to navigate 50 different state requirements. The 18-month guidance development period and subsequent implementation timeline provide adequate time for businesses of all sizes to understand and implement the requirements.



Q: *Does the PACK Act limit innovation or environmental progress?*

A: No. By avoiding rigid statutory definitions and relying on FTC expertise, the bill allows standards to evolve as new technologies, infrastructure, and access improve across recycling, composting, and reuse systems.



Q: *How does the PACK Act relate to EPR laws?*

A: The PACK Act is not an EPR bill. It does not create, modify, or replace EPR programs. It operates upstream by improving the accuracy of recyclable, compostable, and reusable claims, thereby supporting EPR performance by reducing consumer confusion and contamination. Accurate recyclable, compostable, and reusable claims may help EPR programs achieve their goals by reducing contamination in recycling and composting streams and improving material recovery rates.



Q: *How does the PACK Act relate to other packaging labeling bills under consideration?*

A: The PACK Act focuses exclusively on the use of “recyclable,” “compostable,” or “reusable” claims found on consumer-facing packaging. It directs the FTC to establish clear, consistent rules on when companies can use these terms on packaging, applicable nationwide.

On the other hand, the Recycled Materials Attribution Act (H.R. 7502) addresses recycled-content claims, while the Recycling Technology Innovation Act (H.R. 6566) addresses the regulation of recycling technology.



Q: *Does the preliminary injunction against California’s SB 343 (Truth-in-Recycling Act) reduce the need for immediate passage of the PACK Act?*

A: No. If anything, it reinforces the need. The preliminary injunction highlights the uncertainty created by differing state labeling requirements on consumer packaging. The PACK Act would establish a clear national framework for substantiating packaging claims through independent third-party certification, replacing fragmented state requirements and prolonged litigation with greater regulatory certainty.



Q: *Does the PACK Act broaden the FTC’s authority in a way that could be abused?*

A: No. While the PACK Act creates a targeted expansion of substantive and enforcement authority, this is not a general expansion of the FTC’s jurisdiction. The bill confines this authority principally to three voluntary claims—“recyclable,” “compostable,” and “reusable”—made about consumer-product packaging; prohibits the FTC from requiring those claims; and expressly denies the Commission authority to issue binding rules under the new section.