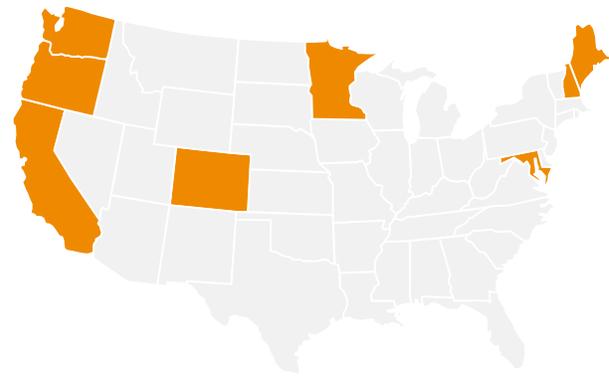


Extended Producer Responsibility



Extended Producer Responsibility (EPR) laws have been passed in the following eight states (with many also finalizing administrative regulations to implement the program): California, Colorado, Maine, Maryland, Minnesota, Oregon, Vermont and Washington. Colorado and Oregon's EPR programs are currently the furthest along as far as implementation of deadlines.

EPR programs attempt to assign responsibility to Producers for the entire lifecycle of their Covered Products (i.e., packaging and plastics), including as the Covered Products enter the waste/recycling stream. Under these programs, Producers are made responsible financially and operationally to manage the Covered Product after use and are required to join a collective Producer Responsibility Organization. Some EPR programs also have future-looking mandates regarding recyclability/compostability of Covered Products. EPR programs also have reporting requirements and penalties for non-compliant Producers.



California

California's Plastic Pollution Prevention and Packaging Producer Responsibility Act

(Signed into law in 2022, regulations still being finalized)

Producers are defined as:

- A person who manufactures a product that uses Covered Material and who owns or is the licensee of the brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in the state;
- If there is no person in the state who meets this definition of Producer, then the Producer of the Covered Material is the owner or, if the owner is not in the state, the exclusive licensee of a brand or trademark under which the product using the Covered Material is used in a commercial enterprise, sold, offered for sale, or distributed in the state; and,
- If there is no person in the state who meets either of the above definitions, then the Producer of the Covered Material is the person who sells, offers for

sale, or distributes the product that uses the Covered Material in or into the state.

- A Producer does not include a person who produces, harvests and packages an agricultural commodity on the site where the agricultural commodity was grown or raised.

Covered material is defined as:

- Single-use packaging that is routinely recycled, disposed of, or discarded after its contents have been used or unpackaged and typically not refilled or otherwise reused by the Producer, and,
- Plastic single-use food-service ware, including, but not limited to, plastic-coated paper or plastic-coated paperboard, paper or paperboard with plastic intentionally added during the manufacturing process, and multilayer flexible material.
- Covered Material categories are: Glass, Ceramic, Metal, Paper and Fiber, Plastic and Wood.
- Covered Material does not include medical products, drugs used for animal medicines, products intended for animals, infant formula, medical food, or certain

fortified oral nutritional supplements. Covered Material is not packaging used to contain products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act or packaging used to contain and ship products that are classified for transportation as dangerous or hazardous materials, along with others.

California Producer Responsibility Organization (PRO): Circular Action Alliance (CAA)

Major CA EPR compliance deadlines:

- **January 1, 2024:** Deadline for Producers of Covered Material to join CAA.
- **August 31, 2025:** Deadline for Producers to report data detailing their quantities of Covered Material to CAA.
- **January 1, 2027:** Producers shall no longer sell, offer for sale, import, or distribute Covered Materials in California unless Producers are approved to participate in CAA's approved plan.
- **January 2027:** Fee obligations for Producers will be implemented.
- **January 1, 2028:** Producers of Covered Materials sold, offered for sale, imported, or distributed in California shall ensure that not less than 30% of plastic Covered Materials offered for sale, distributed, or imported in or into California (for which they are the Producers) is recycled on and after January 1, 2028.
- **January 1, 2030:** Producers of Covered Materials sold, offered for sale, imported, or distributed in California shall ensure that not less than 40% of plastic Covered Materials offered for sale, distributed, or imported in or into California (for which they are the Producers) is recycled on and after January 1, 2030.
- **January 1, 2032:** Producers of Covered Materials sold, offered for sale, imported, or distributed in California shall ensure that not less than 65% of plastic Covered Materials offered for sale, distributed, or imported in or into California (for which they are the Producers) is recycled on and after January 1, 2032.
- **January 1, 2032:** Producers of Covered Materials sold, offered for sale, imported, or distributed in California must source reduce plastic Covered Materials (for which they are the Producers).
- **January 1, 2032:** Producers of Covered Materials sold, offered for sale, imported, or distributed in California must ensure that all Covered Materials offered for sale, distributed, or imported in or into California on and after January 1, 2032 (for which they are the Producers) is recyclable in California or eligible for being labeled "compostable."

Colorado

Producer Responsibility Program for Statewide Recycling Act

(Signed into law in 2022; regulations last amended in 2025)

Producers are defined as:

- The entity that manufactures a product ("manufacturer") and is subject to compliance with the Act if 1) the product is sold or distributed in Colorado using packaging materials under a manufacturer's own brand; or 2) the product is sold or distributed in Colorado using unbranded packaging materials. If the product is not manufactured by the brand owner, the producer is the person who licenses ("licensee") the brand or trademark under which a product is sold or distributed, regardless of whether the trademark is registered in Colorado. If a manufacturer or licensee is not located within the U.S., the producer is the person that imports the product.

Covered Material:

- Defined in Table 33 of CAA's Final Program Plan as following Material Classes: Paper Products, Glass and Ceramics, Metal, Paper/Fiber, Plastic-Rigid, Plastic-Flexible, Plastic-other, Wood and Other Organics, Certified Compostable Packaging and Food Serviceware.

Exempt Covered Materials:

- Long-term storage of durable products
- Paper products that, once used, are unsafe or unsanitary to handle
- Printed paper used to distribute vital documents that are required by law to be provided in paper form
- Bound books
- Packaging used exclusively in industrial or manufacturing processes
- Packaging material used to contain a product that is regulated under federal law as a drug, medical device or dietary supplement
- Animal biologics, including vaccines, bacterins, antisera, diagnostic kits and other products of biological origin
- Insecticide, fungicide and rodenticide
- Poison prevention packaging
- Infant formula
- Medical food
- Fortified nutritional supplements
- Beverage containers subject to a deposit return system
- Paint containers and other packaging subject to a paint stewardship program

- Packaging used to contain a portable electronic device offered for sale as a refurbished product
- Print publications for news and current events
- Any other material the Solid and Hazardous Waste Commission determines by rule not to be a covered material

Colorado's PRO: CAA (for general plastics and packaging); Interchange 360/Lubricants Packaging Management Association (LPMA) (for petroleum and automotive products)

Major CO EPR compliance deadlines:

- **July 1, 2025:** Producers cannot sell or distribute products that use Covered Materials in Colorado unless they participate in the Producer Responsibility Program. Producers must:
 - 1) sign the Participant Producer Agreement (PPA);
 - 2) sign the Colorado State Addendum, and;
 - 3) submit a supply report to meet the Colorado reporting deadline. If Producers have not done this yet, they are out of compliance with state statute.
- **January 2026:** Producers must pay the producer responsibility dues on "covered materials" annually to the program in January 2026, and each year thereafter.
- **June 9, 2026:** CAA shall implement the Final Program Plan.

Maine

An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money

(Laws signed in 2021 and 2025; initial regulations finalized in 2024)

"Producer" means a person that:

- Has legal ownership of the brand of a product sold, offered for sale or distributed for sale in or into the State contained, protected, delivered, presented or distributed in or using packaging material;
- Is the sole entity that imports into the State for sale, offer for sale or distribution for sale in or into the State a product contained, protected, delivered, presented or distributed in or using packaging material branded by a person that meets the requirements of Section 2(W)(1) and has no physical presence in the United States; or
- Adds packaging material to another producer's product for distribution directly to a consumer. This person is only the producer for the packaging material it adds.
- Producer includes a low-volume producer, as defined in 38 M.R.S. § 2146(1)(G), and a franchisor of a franchise located in the State but does not include the franchisee operating that franchise. Producer does

not include a nonprofit organization exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3).

Product means an economic good that is marketed or sold:

- Material sold for use in containing, protecting, delivering or presenting items at a later time is a product and, therefore, does not constitute packaging material.
- Charging for, or adding a fee to, packaging material that is used for containing, protecting, delivering or presenting other purchases does not make that packaging material a product.
- For products that are not durable, material used to contain, protect, deliver, present or distribute that remains when the product is depleted is not the product; it is packaging material.

Maine's PRO (Maine law uses the term "Stewardship Organization"): TBD

Major ME EPR compliance deadlines:

- **Early 2026:** Maine will release RFP to select Stewardship Organization (SO).
- **Spring-Summer 2026:** Maine will select a SO to run the program.
- **July 2026:** Producers must register with the selected SO.
- **September 2026:** Fees cover initial program build-out.
- **Late 2026-2027:** Reporting formats and categories will be defined.
- **After 2027:** Eco-modulation and material-specific fees come later.
- **2027-2028:** Municipalities begin receiving reimbursements.

Maryland

Statewide Recycling Needs Assessment and Producer Responsibility for Packaging Materials*; Packaging and Paper Products-Producer Responsibility Plans**

**(Signed into law in 2023); **(Signed into law in 2025; regulations still being finalized)*

Products are defined as:

- **Electronics (E-Waste):** For electronic waste, the Statewide Electronics Recycling Program incentivizes manufacturers of items like computers and televisions to provide free take-back at retail establishments where their electronics are sold.
- **Paint:** Under the Maryland Paint Stewardship Act, paint manufacturers are responsible for collecting and properly recycling or disposing of leftover paint through the paint stewardship program.

- **Packaging and Paper Products:** The Packaging and Paper Products–Producer Responsibility Plans Act was signed into law on May 13, 2025. This law requires producers of packaging and paper products to pay fees that help cover the cost of recycling these materials.

Maryland's PRO: CAA

Major MD EPR compliance deadlines:

- **July 1, 2026:** Producers are required to register with the Maryland Department of the Environment (MDE), and CAA must file a registration form with MDE noting participating Producers and their Covered Materials.
- **July 1, 2026:** Producers may develop and operate an alternative collection program to collect and manage Covered Materials, on or after this date.
- **July 1, 2027:** The MDE develops a statewide list of Covered Materials determined to be recyclable or compostable through curbside recycling.
- **July 1, 2028:** Producer responsibility plan due to the MDE, which must review it within 120 days, and Producers must start reimbursing a percentage of collection and processing costs.
- **January 1, 2029:** Service Providers seeking reimbursement must register with the MDE.
- **July 1, 2029:** Producers must report annually to MDE.
- **July 30, 2034:** Hire an independent consultant to conduct a once-every-10-years statewide recycling needs assessment.

Minnesota

Packaging Waste and Cost Reduction Act

(Signed into law in 2024)

Producers are defined as:

- The product brand owner, manufacturer or importer (the Minnesota Pollution Control Agency (MPCA) will provide additional guidance on the definition and applicability.) They will become members of a PRO and collectively cover the costs of the program by paying annual fees that are eco-modulated to incentivize more sustainable design of their Covered Materials.

Covered Materials are defined as:

- Packaging and packaging components, food packaging, and paper products sold, offered for sale, distributed or used to ship a product within or into Minnesota. This includes online purchases and shipments.

The law makes a business-to-business exemption for packaging or paper products used to contain a product

that is distributed to a commercial or business entity for the production of another product, without being sent to another entity or consumer.

- **Packaging:** Materials used to transport, market, protect or handle a product are considered packaging. The law makes exceptions for packaging for certain products:

- Products regulated as a drug or medical device by U.S. Food and Drug Administration (FDA), including components and consumable medical equipment
- Medical equipment or a product used in medical settings that is regulated by FDA, including components and consumable medical equipment
- Drugs, biological products, parasiticides, medical devices, or in vitro diagnostics that are used to treat, or that are administered to, animals and are regulated by FDA or the U.S. Department of Agriculture (USDA)
- Products regulated by the U.S. Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide, and Rodenticide Act
- Liquefied petroleum gas when the package was designed to be refilled
- Hazardous or flammable products regulated by OSHA Hazard Communication Standard
- Paint that is being collected and properly managed through an approved paint stewardship plan or program

- **Food Packaging:** Materials to market, protect, handle, deliver, serve, contain or store food and beverages are considered food packaging. The law makes exceptions for food packaging for certain products:

- Infant formula
- Medical food
- Fortified oral nutritional supplement used by a person who requires supplemental or sole source nutrition due to special dietary needs related to cancer, chronic kidney disease, diabetes, malnutrition or failure to thrive

- **Paper Products:** Products made from wood or cellulosic fibers are considered paper products. The law makes exceptions for certain paper products:

- Bound books
- Products that are deemed unsafe or unsanitary to handle by recycling and composting facilities
- Newspaper print publications, including supplements or enclosures, that include content derived from primary Sources related to news and current events

- Magazine print publication that has a circulation of less than 95,000 and that primarily includes content derived from primary sources related to news and current events

Minnesota's PRO: CAA

Major MN EPR compliance deadlines:

- **2025-2026: Phase 1: Building the foundation**
 - **January 1, 2025:** Producers required to appoint a PRO.
 - **February 18, 2025:** CAA confirmed as PRO.
 - **July 1, 2025:** Producers required to join CAA.
 - MPCA appoints an advisory board and begins meeting.
 - Service providers register with the MPCA to qualify for reimbursement of costs.
 - MPCA completes needs assessments to gather critical data to inform program and plan development, receiving input from the advisory board and the public.
- **2027-2028: Phase 2: Establishing the structure**
 - MPCA creates collection lists that apply state-wide, receiving input from the advisory board and the public.
 - MPCA creates statewide program requirements for the PRO, receiving input from the advisory board and the public.
 - The PRO submits first stewardship plan due to the MPCA; the MPCA receives input from the advisory board and the public.
- **2029-2032: Phase 3: Implementing change and tracking progress**
 - The producer responsibility organization implements stewardship plan as approved by MPCA.
 - The producer responsibility organization begins covering service and program costs, phased in to cover at least 90% by 2031.
 - The producer responsibility organization submits annual reports to MPCA.
 - Packaging and paper products must be refillable, reusable, recyclable or compostable by 2032.

Oregon

Plastic Pollution and Recycling Modernization Act

(Signed into law in 2021; regulations continue to be revised); program currently under narrow stay per ongoing litigation described below.

Producers are defined as:

- Every non-exempt Covered Product must have one designated Producer, unless that Producer is exempt-

ed, as described below. A Producer is not required to be a member of a PRO if, for all Covered Product the Producer sells, offers to sell or distributes in or into this state, another person (such as another company in the supply chain) has registered with a PRO as the Producer responsible for that Covered Product. This allows Producers to enter into voluntary agreements with other companies and reassign compliance obligations for some or all of their products. Anyone who makes or sells into Oregon multiple Covered Products may have obligations for none, some or all of them, depending on the circumstances described here. The exemption of one Covered Product does not exempt a Producer from obligations for other Covered Products.

Oregon assigns obligations to Producers differently for different types of covered products:

- **For food serviceware:** the obligated "Producer" is the person that first sells the food serviceware into Oregon. In most cases, this will be the manufacturer of the food serviceware or a distributor.
- **For packaged items sold via physical retail sale:** the obligated Producer is typically the brand-owning manufacturer of the packaged item. Manufacturing encompasses directing manufacturing by simple contract. If the brand owner rather confers rights to the brand to a manufacturer by a licensing agreement, the manufacturer is obligated. If no such entity is located in the U.S., then the obligated Producer is the entity that imports the packaged item into the country.
- **For packaging or packaged items sold via remote sale:** The person that packages and ships the item for sale into Oregon is the obligated Producer of the packaging used in shipping. The Producer of the original packaging of the sold product is the same as if the item were sold via physical retail sale.
- **For newspapers, magazines, catalogs, telephone directories and similar publications:** the obligated Producer is the publisher.
- **For all other printing and writing paper:** the manufacturer of the printing and writing paper, if domestic, is the Producer. If the paper is produced in another country, the importer into the U.S. is the Producer.

Covered Materials are defined as:

- Three types of "covered products": packaging, food serviceware, and printing and writing paper.
- Oregon also defines Producer obligations differently for different types of Covered Products, so it is important to understand what type of Covered Product(s) your materials are. Specifically, food serviceware is not packaging.

- The recyclability of a material has no bearing on whether a material is a Covered Product or not. All types of packaging, food serviceware, and printing and writing paper have potential impacts on Oregon's recycling system and are included as covered products, unless exempted. Oregon's law applies to all Covered Products, regardless of whether they are discarded by households or others (businesses, etc.).
- Exempted are all items that are not ultimately discarded inside Oregon, architectural paint cans recovered through Oregon's paint stewardship program, and materials that meet other conditions involving recycling outside of the publicly-managed commingled recycling collection systems in Oregon. In these cases, the fraction of Covered Products that meet criteria (e.g., sold into Oregon but then redistributed to another state) are exempted, while the remainder are Covered Products.

Oregon's PRO: CAA

A federal court in *National Association of Wholesale-Distributors v. Feldon, et al.*, Case No. 3:25-cv-01334, granted the association's preliminary injunction in early February 2026 on the basis of the association's claims that Oregon's EPR law violates the U.S. Constitution's Dormant Commerce Clause and the Due Process Clause of the Fourteenth Amendment. This injunction only pauses Oregon's EPR law as to the association and its members and it is not a state-wide injunction of Oregon's EPR law. The court will hear the full issues at a scheduled trial to begin in July 2026.

Major OR EPR compliance deadlines:

- **March 31, 2025:** Deadline for obligated Producers to report to CAA their supply of covered products. Producers who have not yet reported 2024 supply data to CAA are likely out of compliance and are encouraged to do so immediately.
- **July 1, 2025:** Deadline for CAA to start charging fees to Producers.
- **January 2026:** You may submit exemption claim.
- **May 31, 2026:** Internal deadline to report supply data to CAA.

Enforcement:

Failing to register or become a member of a producer responsibility organization is a Class 1 violation that can result in fines of up to \$25,000 per day.

Vermont

Vermont Household Hazardous Waste EPR Law (Signed into law in 2023 and amended in 2025)

"Covered Entity" means:

- Any person who presents to a collection facility or event that is included in an approved collection plan any number of covered household hazardous products, with the exception of large quantity generators or small quantity generators as those terms are defined in the Vermont Agency of Natural Resources' (ANR) Vermont Hazardous Waste Regulations.

"Consumer Product" means:

- Any product that is regularly used or purchased to be used for personal, family or household purposes.

"Covered Household Hazardous Product" means:

- a consumer product offered for retail sale that is contained in the receptacle in which the product is offered for retail sale, if the product has any of the following characteristics:
 - the product or a component of the product is a hazardous waste under subchapter 2 of the Vermont Hazardous Waste Management Regulations, regardless of the status of the generator of the hazardous waste; or
 - the product is a gas cylinder.

"Covered household hazardous product" does not mean:

- a primary or rechargeable battery;
- a lamp that contains mercury;
- a thermostat that contains mercury;
- paint products as that term is defined in section 6672 of this title;
- a covered electronic device as that term is defined in section 7551 of this title;
- a pharmaceutical drug;
- citronella candles;
- flea and tick collars;
- pesticides required to be registered with the Agency of Agriculture, Food and Markets;
- products that are intended to be rubbed, poured, sprinkled on, sprayed on, introduced into, or otherwise applied to the human body or any part of a human for cleansing, moisturizing, sun protection, beautifying, promoting attractiveness, or altering appearance, unless designated as a hazardous material or a hazardous waste by the Secretary of Natural Resources; or
- gas cylinders determined by the Secretary by rule not to pose an unacceptable risk to human health, solid waste facility operation, or the environment, and which are not hazardous waste.

Vermont's SO: State-led by ANR

Major VT EPR compliance deadlines:

- **July 1, 2025:** Deadline for ANR to adopt EPR Plan.

- **November 1, 2025:** Deadline for manufacturers of covered household hazardous products to register with ANR.
- **November 1, 2025:** Manufacturers of Covered Household Hazardous Products shall not sell, offer for sale, or deliver to a retailer for subsequent sale Covered Household Hazardous Products without registering with ANR.
- **July 1, 2026:** Deadline for PRO to register with ANR.
- **July 1, 2026:** Deadline for ANR to implement EPR Plan (e.g., Agency Collection Plan).

Washington

Recycling Reform Act

(Signed into law in 2025)

Products are defined as:

- Consumer product brand owners who must join and pay fees to a nonprofit PRO.

Service providers are defined as:

- Companies or local governments that provide or contract for collection, transport, processing or reuse of materials on the collection lists.

Washington's PRO: CAA

Major WA EPR compliance deadlines:

- **Phase 1 Registration and Assessments (2026-2027):** the Washington Department of Ecology will begin rulemaking, establish an advisory council and start work on several contracted studies. Service providers and the PRO will register with Washington annually starting in 2026. By 2027, Washington will publish the statewide collection lists and two needs assessments.
- **January 2026:** Washington starts rulemaking, advisory council established, and service providers register with Washington annually.
- **March 2026:** PRO registers with Washington annually.
- **July 1, 2026:** Producers must register with CAA.
- **October 2026:** Washington publishes statewide collection lists.
- **December 2026:** Washington publishes preliminary needs assessment.

- **December 2027:** Washington publishes second needs assessment.
- **Phase 2 Program Development:** Washington will adopt rules and the PRO will submit a draft program plan for advisory council and Washington review. Washington will approve the PRO plan. The PRO will roll out the packaging reuse grant program. After March 2029, Producers who are not members of the PRO cannot sell their products in Washington.
- **June 2028:** Washington adopts rules.
- **August 2028:** PRO submits draft program plan to the advisory council.
- **October 2028:** PRO submits draft program plan to Washington.
- **January 2029:** Washington publishes economic analysis of the PRO draft plan.
- **January to April 2029:** Washington considers PRO draft plan and economic analysis of the PRO draft plan.
- **March 2029:** Producers who are not members of the PRO cannot sell their products in Washington.
- **July 2029:** Washington approves the PRO plan and PRO begins reuse grant program.
- **Phase 3 Program Implementation:** residents will receive increased access and reduced costs for recycling services. The PRO will reimburse service providers, invest in infrastructure improvements, and submit annual program reports for advisory council and Washington's review. Washington will ensure the PRO program meets the requirements of the law and complete additional program studies.
- **January 2030 and onwards:** PRO implements approved program plan. Residents receive reduced cost recycling services; PRO reimburses services providers; and PRO uses existing infrastructure and invests in improvements.
- **July 2031:** PRO submits program report to Washington (annually).
- **2032:** Washington completes equity study to inform future plan.
- **2034:** PRO submits updated plan to Washington.
- **2038:** Washington's Ecology submits independent review of the program to the legislature.

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