

# PRODUCT | Extended producer responsibility for packaging in the United States: Key elements and considerations

## **Product Law Outlook: Developments, Updates, Compliance, and Trends**

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Have you heard the term “EPR” for years but thought (hoped?) it did not apply to your company's operations? Read on for an overview of the state extended producer responsibility (EPR) requirements that have been enacted in the U.S.

EPR is a policy approach that requires companies (producers) to take responsibility for the collection, recycling, and end-of-life-management of their products and packaging. This framework shifts the financial and operational costs of waste management away from local government and taxpayers, placing it instead on the producers that design, manufacture, and sell these products. Beyond reallocating responsibility, EPR sometimes seeks to accomplish broader policy goals such as reducing overall waste, decreasing plastic usage, and promoting more sustainable packaging practices. In this article, we unpack the key elements of EPR laws across U.S. states, including which materials are

covered, who is responsible for those materials, and important compliance obligations for producers.

Compliance with EPR requirements demands significant time and resources from producers. First, there is the substantial effort required to collect and analyze supply data – meaning the amounts and types of covered materials supplied into the state – as well as to accurately categorize packaging materials. This data gathering requires close coordination across multiple departments and suppliers. At the end of the periodic supply reporting process, covered producers receive an invoice from each state, and it is difficult to budget for these fees ahead of time because they are being set in real time as the costs of the programs come into view and as all other producers report their data.

Beyond the basic compliance obligations, it is critical to ensure company leadership is aware of the broader sustainability requirements in several of the EPR laws. California in particular has set aggressive recycling rate, recyclability/compostability, and source reduction targets that are likely to require producers to make significant changes to existing packaging materials and designs, particularly for plastic materials. Implementing these changes can be costly and time-consuming, often involving the need for alternative packaging formats that do not yet exist, necessitating careful planning and ongoing compliance efforts, as well as collaboration within industry sectors to develop potential alternative packaging. Almost every function in a company is affected: product development, sourcing, quality, safety, distribution, sales, marketing, and of course finance.

# Chapter 1

## Key elements of U.S. EPR laws

Currently, seven states have enacted EPR laws applying to packaging and paper products: California, Colorado, Maryland, Maine, Minnesota, Oregon, and Washington. Several additional states are considering legislation on EPR for packaging. Most recently, in late 2025 and early 2026, legislators in Wisconsin ([AB 772](#)) and New Hampshire ([HB1789-FN](#)), introduced EPR bills. To determine whether they have obligations under these laws, companies should consider both whether the packaging or food service ware associated with their products are “covered materials”, and also whether they are the “covered producer”, under each state EPR law. The definitions of covered material and producer, as well as the specific obligations imposed on producers, vary by state.

- **Covered materials:** EPR laws cover single-use packaging, paper products, and food service ware. In general, almost all consumer products fall within the scope of these laws, although there are certain exemptions on a state-by-state basis (e.g., beverage containers subject to the state’s bottle deposit laws; infant formula, medical foods or fortified oral nutritional supplements; packaging used for long-term storage of at least 5 years; among others). Most states also include business-to-business sales within the scope of their EPR programs, although Colorado largely differs on this point.
- **Covered producers:** For packaging, the covered producer generally defaults to the brand owner and manufacturer, or the brand owner in a private label situation. In some states (e.g., Oregon and Colorado), the manufacturer includes a person directing the manufacturing, such as the brand owner directing a contract manufacturer. If there is no applicable manufacturer or brand owner, the producer is typically the licensee, importer, or distributor. There is a common misconception that if a company does not directly ship its product into the EPR state, the company is not covered. In fact, if the company meets the definition of a covered producer, and products are ultimately sold or distributed into the state, the producer is still obligated.
- **Program administration:** EPR programs are administered through a Producer Responsibility Organization (PRO), which is a non-profit organization established by producers and tasked with

managing producer obligations under the EPR laws. Generally, producers are required to register with a PRO, report the amount of covered materials they sell into the state, and pay fees to the PRO. To date, California, Colorado, Maryland, Minnesota, and Oregon have selected Circular Action Alliance (CAA) as their PRO. Maine is expected to select a Stewardship Organization (SO), which is the state's equivalent of a PRO, in the spring of 2026.

- **EPR+ targets:** Some states, including California, Colorado, and Minnesota, have expanded their EPR programs to incorporate broader sustainability objectives for both the PRO and producers, beyond the basic EPR requirements of fees, reporting, and cost recovery. These objectives – referred to as “EPR Plus” – also require producers to make substantive changes to their packaging design and materials. We summarize the state-specific EPR+ requirements below.

# Chapter 2

## Key compliance obligations by State

Key EPR updates and deadlines to keep in mind include the following:

- **Colorado and Oregon:** Producer registration and reporting deadlines have passed in Colorado and Oregon. For both states, the next producer supply reports (using CY 2025 data) are due **May 31, 2026**, and CAA plans to issue EPR fee invoices in January and July 2026, in two 50% installments. As for EPR+, for Colorado, the PRO must meet minimum post-consumer recycled content targets for certain materials, including paper, glass, metal, and plastic, by 2030 and 2035. For Oregon, statewide recycling goals for plastic packaging and food service ware are set at 25% by 2028, 50% by 2040, and 70% by 2050.
- **California:** Producer registration and reporting deadlines have also passed in California. The next producer supply reports (using CY 2025 data) are due **May 31, 2026**. Producer invoices are expected to be issued in August 2026. With respect to EPR+, California requires the PRO must meet initial source reduction targets in 2027; requires producers to submit source reduction plans, demonstrate that expanded polystyrene meet certain recycling rates starting in 2025, and ensure plastic covered materials meet specific recycling rates starting in 2028; and mandates that all covered materials are recyclable or compostable (as defined by state) by 2032. The deadline for producers to submit individual source reduction plans is still to be determined. In late 2025, CAA indicate it was targeting a March 2026 deadline; however, delays in finalizing the regulations may impact this timing.

Note that in January 2026, CalRecycle withdrew its proposed regulations to implement SB 54, California's EPR law, from the Office of Administrative Law's (OAL) review. CalRecycle has reissued them for a 15-day comment period, following which it will submit the updated regulations to OAL, which will have 30 working days to complete its review. This means March is likely the earliest the final regulations will be issued.

- **Minnesota:** Producers were required to join the PRO (CAA) by July 1, 2025. The PRO must submit

a stewardship plan by October 1, 2028, which producers must comply with. Additionally, all packaging and paper products sold in the state must be refillable, reusable, recyclable, or compostable by 2032. An initial producer reporting deadline has not yet been set.

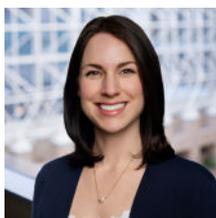
- **Maine:** Producers are expected to register with the PRO and report data in May 2026, and to pay start-up registration fees in September 2026.
- **Maryland:** Producers must register by July 1, 2026, and will begin reporting annually on July 1, 2029. The PROs must submit a five-year producer responsibility plan by July 1, 2028. The PROs will reimburse municipalities for recycling costs and work with the Maryland Department of the Environment to establish recycling targets, sustainable packaging goals, and a statewide list of covered recyclable materials.
- **Washington:** Producers must join a PRO by July 1, 2026. Beginning March 1, 2029, producers not registered with a PRO may not introduce covered materials into the state.

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We continue to monitor the implementation of U.S. EPR laws. Please contact us if you have any questions.

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