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Seven States and Counting: The 2025 Guide to EPR Packaging Compliance

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A new era of corporate environmental regulations is emerging through Extended Producer Responsibility (EPR) packaging legislation. While EPR laws have existed in the U.S. for years for specific products like paint, electronics, mattresses and batteries, over the past few years, a new product has joined the list: consumer packaging.

State-enacted packaging-specific EPR laws are quickly reshaping compliance obligations for companies that manufacture, distribute or sell packaged products. While municipalities have traditionally managed waste streams, EPR laws fundamentally alter who pays for and manages packaging waste — shifting the financial and operational burden of packaging waste management from local governments and taxpayers to manufacturers, importers and distributors. Producers now bear responsibility for the entire lifecycle of packaging, from production to post-consumer disposal.

With seven states now implementing comprehensive EPR packaging requirements and more expected to follow suit, businesses must adapt to these new responsibilities for managing their packaging materials through end-of-life (the post-consumer collection, sorting, recycling, composting and final disposal of packaging). Rather than just an environmental initiative, EPR has become an important business consideration affecting product development, distribution and financial planning. This consideration is amplified for companies operating across multiple jurisdictions.

Key Compliance Components of EPR Packaging Laws

As of October 1, 2025, seven states — Maine, Oregon, Colorado, California, Minnesota, Maryland, and Washington — have enacted comprehensive EPR packaging laws. While each state's approach has unique elements, the current landscape shows general alignment. States appear to be modeling their new legislation on previously enacted laws, leading to similar foundational approaches in several key areas:

Scope of Coverage:

Understanding the scope and definition of covered materials is fundamental to EPR compliance as it determines which products trigger regulatory obligations. While each EPR law generally targets paper and plastic consumer packaging, there are still variations in scope of the covered materials between states:

- **Maine:** Covers most types of consumer packaging material regardless of material — plastic, paper, glass, metal, cardboard, etc. The law does not create a separate "printed paper" category, but paper is included when it functions as packaging.
- **Colorado:** Covers most types of consumer packaging as well as paper products, including printed paper, newspapers, magazines, flyers, brochures etc.
- **Maryland, Washington and Minnesota:** Cover consumer packaging and paper products generally. Each law carves out certain printed materials though the exact exemptions differ by state.
- **Oregon:** Covers three distinct categories — packaging, printing and writing paper, and food service ware — and includes the items in each category as described above.
- **California:** Explicitly focuses on single-use packaging (regardless of material) and single-use plastic food service ware.

Because definitions and exemptions vary by jurisdiction, producers should review each statute carefully to confirm whether specific materials are in or out of scope.

Who Must Comply:

Only producers that meet the statutory definition must comply with state EPR packaging laws. All seven states generally define producers as the entities responsible for introducing covered material into the state. There is no requirement that producers be physically present in the state. Most states follow a similar tiered approach for determining which party is the producer:

- Primary responsibility falls on the brand owner/manufacturer.
- If there is no brand owner/manufacturer, responsibility falls on the licensee or the importer/distributor.
- If none of the above entities can be identified, some states include a catch-all provision, with responsibility falling to either the retailer or the entity responsible for the first point of sale into the state.
- Each state contains exceptions for small producers based on revenue or material volume thresholds.

How to Comply — Producer Responsibility Organizations (PROs) and Compliance Pathways:

A PRO is a third-party entity that manages producer responsibilities. These entities are typically required to be nonprofits and must be approved or selected by the state in which they operate. PROs form the nucleus of EPR regulations by acting as the centralized compliance vehicle through which producers meet their obligations. PROs are tasked with creating, financing and implementing comprehensive responsibility plans and waste management programs for their members. Some jurisdictions refer to these entities as Stewardship Organizations (SOs) and their implementation strategies as "stewardship plans," but their fundamental function remains the same: to provide producers with an efficient path to EPR compliance.

The Role of the Circular Action Alliance (CAA):[1] The CAA is a nonprofit organization founded by major packaging producers. It is currently the only organization approved to implement EPR laws for paper and packaging in California, Colorado, Oregon, Minnesota and Maryland, although additional PROs could be approved in some states. Maine and Washington have yet to select a designated PRO.

Compliance Options: EPR laws generally require producers to register with and join a PRO. Although most states technically offer individual compliance pathways, the complex requirements and substantial costs make them impractical for most companies. This leaves large producers with only one viable option: joining a PRO. Oregon and Minnesota go further by eliminating the individual compliance option entirely and mandating PRO membership for all producers, subject to limited exceptions.

Registration Requirements and Deadlines: Registration deadlines have already passed in some states and are approaching in others. Compliance with these deadlines is critical, as states may impose substantial fines for noncompliance. More significantly, non-compliant producers will be barred from selling products with covered materials in these states. Sales restrictions take effect on the following dates:

- Oregon and Colorado: July 1, 2025
- California: January 1, 2027
- Minnesota: January 1, 2029
- Washington: March 1, 2029

- Maryland and Maine: No statutory sales restriction date; penalties for noncompliance will be imposed, with the precise enforcement date to be determined through the rulemaking process

Financial & Reporting Obligations:

Generally, producers are required to pay fees to PROs proportional to the amount and type of packaging material they introduce into the state. These fees are calculated based on required producer reports detailing the covered materials they produce or sell within specified reporting periods, including material types, weights and recyclability characteristics. Typically, PROs use the fees they collect to fund and implement their responsibility plans and waste management programs.

However, Maine takes a different approach. Maine's EPR law focuses on municipal cost reimbursement. Instead of funding PRO-operated programs like in other states, producers in Maine pay fees to a state selected SO which directly reimburses municipalities for managing covered materials.[2]

Performance Targets:

Most state EPR laws delegate PROs to create and implement recycling rate targets and goals, subject to state agency approval. A few states, however, establish explicit statutory obligations:

- In Minnesota, PROs must reimburse municipalities and service providers for increasing percentages of the net costs of recycling and processing covered materials: 50% by February 1, 2029, 75% by 2030 and 90% by 2031.

California uses a different and more aggressive approach by imposing recycling rate and source reduction requirements directly on individual producers:

- In California, producers must ensure that by 2032, 100% of covered materials are either recyclable or compostable. Producers must also ensure their plastic packaging meets increasing recycling rates: 30% by 2028, 40% by 2030 and 65% by 2032.

State-by-State EPR Laws: Implementation and Key Features

Maine: An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money (LD 1541): Signed into law on July 12, 2021, Maine's packaging-focused EPR statute was the first of its kind. It adopted a municipal cost-reimbursement model rather than the producer-run PRO programs later adopted by other states. Rulemaking began in late 2023 and remains ongoing. Producers must register with the approved SO and report their estimated packaging data for 2025 by May 2026. The full program is expected to become operational in 2027.[3]

Oregon: Plastic Pollution and Recycling Modernization Act (SB 582): Oregon became the second state to enact packaging-related EPR legislation and notably introduced the formal PRO requirement. Signed into law on August 6, 2021, the program moved into implementation on July 1, 2025, when PRO membership fees were due and enforcement — including noncompliance penalties of up to $25,000 per day — went into effect. Producers were required to register with the CAA or submit an approved individual plan and report 2024 data by April 30, 2025.

Colorado: Producer Responsibility Program for Recycling (HB 22-1355): Signed into law on June 3, 2022, this law largely mirrors Oregon's model but on a later timeline. Producers were required to register with the CAA or establish an approved individual program by October 1, 2024. Producers of paper products and packaging materials were also required to submit initial supply reports to the CAA by July 31, 2025, which will be used to calculate producer dues required to be paid in January 2026.[4] Producers are also responsible for funding all program operations — including collection, education/outreach, and promotional campaigns.

California: The Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54): Signed into law on June 30, 2022, SB 54 introduced statutory recycling rate targets that apply directly to individual producers. Rulemaking has been delayed, and on March 7, 2025, Governor Newsom directed CalRecycle, the agency responsible for implementation, to restart the process.[5] CalRecycle's proposed regulations were published in the state regulatory notice register on August 22, 2025,[6] opening a 45-day public comment period through October 7, 2025.[7] Meanwhile, the statutory requirements remain in effect, and producers must join a PRO or obtain approval for individual compliance by January 1, 2027, with escalating recycling targets through 2032. To aid compliance, the CAA opened a registration portal and encouraged producers to register by September 5, 2025, and submit supply reports by November 15, 2025.[8] While these dates are not established in statute or regulation, producers should aim to meet them to ensure compliance with the January 1, 2027, statutory deadline.

Minnesota: The Packaging Waste and Cost Reduction Act (Part of Omnibus bill HF 3911) : Signed into law on May 21, 2024, this law requires producers to join a registered PRO (currently, the CAA) by July 1, 2025. PROs must then submit their first comprehensive stewardship plan to the Minnesota Pollution Control Agency by October 1, 2028, and update it every five years thereafter.

Maryland: Environment - Packaging and Paper Products - Producer Responsibility Plans (SB 901): Signed into law on May 13, 2025, Maryland's EPR law establishes a program that, unlike most other states, allows multiple PROs to operate concurrently. Initially, producers must either join an existing PRO (currently, the CAA is the only approved PRO in Maryland) or submit an individual compliance plan to the Maryland Department of Environment (MDE) by July 1, 2026.[9] All PROs and individual producers must submit comprehensive responsibility plans to the MDE by July 1, 2028, and every five years thereafter, outlining how they will meet performance requirements and goals for recycling, composting, reuse and waste reduction.

Washington: Recycling Reform Act (SB 5284): Signed into law on May 17, 2025, Washington's EPR law requires producers to either join a PRO or register individually by July 1, 2026. PROs must then submit their full compliance plan to the Department of Ecology by October 1, 2028, ahead of statewide implementation on January 1, 2030. Washington's law adds a unique twist, requiring PROs to fund a reuse financial assistance program with at least $5 million annually beginning in 2029.

Preparing for the Expanding EPR Landscape

EPR packaging legislation is no longer a future consideration but an immediate business reality, with legal requirements and deadlines already in effect across multiple states. Momentum is building. In 2025 alone, at least eight additional states including New York, [10] Massachusetts,[11] Rhode Island,[12] New Jersey,[13] Illinois,[14] Tennessee,[15] North Carolina,[16] and Hawaii[17] have already introduced comprehensive EPR packaging bills similar in scope to the laws already enacted in seven states.

With no federal EPR packaging law in sight, states are taking matters into their own hands. For companies operating across multiple jurisdictions, varying state requirements create distinct challenges. While these state initiatives share common goals, they differ in their design parameters. Variations in recycling targets, fee structures and timelines necessitate careful attention to state-specific regulations.

Though PROs will manage most of the compliance requirements, companies must remain vigilant about deadlines in each state where they introduce covered products. The path forward is clear: assess your producer status, register with appropriate PROs, prepare for ongoing reporting requirements, and continue to monitor developments on a state-by-state basis.

We will continue to update you on material developments as they unfold.

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[1] For more information on the CAA, visit their website at: https://circularactionalliance.org/

[2] Maine Department of Environmental Protection, Extended Producer Responsibility, https://www.maine.gov/dep/waste/recycle/epr.html

[3] Maine Department of Environmental Protection, Stewardship Program for Packaging, https://www.maine.gov/dep/waste/recycle/epr.html

[4] Colorado Department of Public Health & Environment, Producer Responsibility Program, https://cdphe.colorado.gov/hm/epr-program

[5] John Smith, Newsom Orders Redo of California's Landmark Anti-Plastic Rules, Citing Cost, BLOOMBERG (Mar. 7, 2025), https://www.bloomberg.com/news/articles/2025-03-07/newsom-orders-redo-of-california-s-landmark-anti-plastic-rules-citing-cost

[6] California Office of Administrative Law, California Regulatory Notice Register No. 34-Z (Aug. 22, 2025). https://oal.ca.gov/wp-content/uploads/sites/166/2025/08/2025-Notice-Register-No.-34-Z-August-22-2025.pdf

[7] CalRecycle, SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Permanent Regulations, https://calrecycle.ca.gov/laws/rulemaking/sb54regulations/

[8] Circular Action Alliance, Producer Registration Now Open for California's New Packaging EPR Program, https://circularactionalliance.org/newsfeed/9tnfe13lwp39oeh1xj4wrn3ex22zw0-g83az

[9] BillTrack50, Maryland S.B. 901, Packaging and Paper Products - Producer Responsibility Plans, https://www.billtrack50.com/billdetail/1816003

[10] New York: The Affordable Waste Reduction Act (SB 5062); Packaging Reduction and Recycling Infrastructure Act (SB 1464).

[11] Massachusetts: An Act to Reduce Waste and Recycling Costs in the Commonwealth (SB 571).

[12] Rhode Island: Extended Producer Responsibility for Packaging and Paper Act (SB 939).

[13] New Jersey: Packaging and Paper Product Stewardship Act **(**A5009 and SB 3398). Both bills were introduced in late 2024 but remain active in the 2024–2025 legislative session.

[14] Illinois: The Extended Producer Responsibility and Recycling Refund Act (HB 4064).

[15] Tennessee: The Waste to Jobs Act (SB 296 and HB 600).

[16] North Carolina: Break Free From Plastic & Forever Chemicals (HB 882).

[17] Hawaii: An Act Relating to Waste Management (HB 1264).

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