Proskauer

# Extended Producer Responsibility (EPR) Packaging Law Update

**July 1, 2026**

When we last surveyed the extended producer responsibility (EPR) legal landscape for packaging, seven states had enacted comprehensive product stewardship programs, and the central thrust was preparation for the core obligations under those emerging regimes.[1] Since our last update, those obligations have become increasingly concrete, as packaging EPR laws have moved beyond enactment and into implementation, enforcement, and, in some instances, litigation.

Across the states with enacted EPR programs, implementation is moving forward at different stages: permanent regulations have taken effect in certain states, producer registration and reporting deadlines have passed or are fast approaching, and the first producer compliance fees have become due in Oregon and Colorado.

Although publicly reported enforcement actions remain limited as state EPR programs remain in early implementation phases, Oregon has moved closer toward formal enforcement: On April 9, 2026, Oregon's Department of Environmental Quality (ODEQ) published an inaugural producer status list identifying approximately 250 allegedly noncompliant producers.[2]

For companies selling packaged products across multiple jurisdictions, these developments require state-specific attention to EPR registration, reporting and fee obligations, recordkeeping, and litigation risk.

**Key Takeaways**

- Packaging EPR is now operational in Oregon, and Colorado, with producer registration, reporting, and fee obligations in effect.
- California's implementing regulations took effect in May 2026, with broader program obligations scheduled to begin in January 2027.
- Registration and reporting obligations are now in effect across most of the seven enacted EPR states.

- Litigation in California, Oregon, and Colorado could affect implementation and enforcement.
- Companies selling packaged products nationally should prepare for multi-state compliance.

### What Producers Need To Do Now

| Immediate Action | Relevant States |
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| Determine producer status | All seven enacted states: CA, OR, CO, MD, MN, WA, ME |
| Register with a PRO or obtain approval for an individual plan | Registration requirement already in force: CA, MD, MN, WA, OR, CO |
| Prepare packaging data and complete reporting obligations | Full supply reporting: CA, CO, OR Simplified supply reporting: MD, MN, WA |
| Budget for and pay EPR fees | Fees already required to be paid in: CA, CO, OR |
| Monitor litigation | CA, CO, OR |
| Maintain records and audits | Keep audit-ready records to support active reporting; misreporting can trigger audits/penalties: CA, OR, CO |
| Monitor recycled-content and recyclability requirements | WA: Producers of certain plastic packaging, e.g., beverage containers, trash bags, and household/personal care product containers, must meet postconsumer recycled (PCR) content thresholds and report PCR used annually<br><br>CA: Producers of expanded polystyrene (EPS) food service ware must demonstrate that all EPS meets a 25% recycling rate to keep selling it in the state |

### Active Legal Challenges to Watch

#### California

On June 2, 2026, the Natural Resources Defense Council (NRDC), Californians Against Waste Foundation, and Oceana, Inc. filed for declaratory and injunctive relief against CalRecycle in San Francisco Superior Court, alleging that the final SB 54 regulations fail to meet the requirements of the state's EPR legislation and requesting that the regulations be declared invalid. Separately, on June 22, 2026, a coalition of 17 states and the National Association of Wholesaler-Distributors (NAW) filed a federal lawsuit challenging California's SB 54 program. These challenges could affect implementation and enforcement ahead of the January 2027 program launch.

**Oregon**

Recent developments in a federal court challenge have partially halted enforcement of the RMA. In July 2025, the NAW filed suit against the ODEQ challenging the constitutionality of the law's delegation of regulatory authority to CAA. On February 6, 2026, the court dismissed several of the plaintiff's claims and partially granted a preliminary injunction, enjoining the ODEQ from enforcing the RMA only against NAW and its members, pending resolution of the case on the merits. Trial is set to begin on July 13, 2026.

**Colorado**

On March 12, 2026, the Independent Lubricant Manufacturers Association (ILMA) filed suit against the Colorado Department of Public Health and Environment (CDPHE) in Denver District Court, challenging implementation of the program and fee structure, and seeking to enjoin the state from enforcing the program against ILMA and its members. Because the court has not yet ruled on the request for injunctive relief, the program remains enforceable against all covered Colorado producers for the time being.

Below is a state-by-state overview of key recent developments and deadlines producers should be tracking. States with active compliance programs are shown in **red**, states in the registration and reporting phase are shown in **yellow**, and states in the program development phase are shown in **green**.

**State-by-State Overview and Key Deadlines:**

| State | Legislation | Current Obligations | Key Deadlines |
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| Oregon | Plastic Pollution and Recycling Modernization Act (RMA) (SB 582) | **Who must comply:** Producers of covered products – packaging, printing, and writing paper, and food service ware introduced into Oregon.<br><br>**Current Obligations:** Register with the approved PRO (CAA), report supply data, and pay PRO membership fees, in effect since **July 1, 2025**<br><br>**Compliance fees:** PRO membership fees began **July 1, 2025**; private-recycling exemption claims for the 2027 fee year were accepted during a fixed window that opened **January 6, 2026**, and closed **March 31, 2026**.<br><br>**Penalties:**<br><br>Failure to register or join a PRO is a Class 1 violation – fines up to $25,000/day | Top 25 producers[3] must evaluate/disclose life cycle impacts of 1% of products by **Dec. 31, 2026**. Producers not on the initial list that were included in the final March 31, 2026 list must do so by **June 30, 2027.**<br><br>***<br><br>Litigation resulted in an injunction limiting ODEQ enforcement against NAW and its members. Trial set for July 13, 2026. |

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| Colorado | Producer Responsibility Program for Statewide Recycling Act ( HB 22?1355) | **Who must comply:**<br>Producers of packaging materials and paper products; obligation generally falls first on the brand owner/manufacturer, then importer/first distributor, and for paper publications, the publisher.<br><br>**Current Obligations:**<br>**Sales restriction date:** On or **after July 1, 2025,** producers may not sell or distribute covered products in CO unless the producer registered with and joined CAA or is operating under an approved individual plan.<br><br>Producers' 2025 supply-data reports were due **May 31, 2026.**<br><br>**Compliance fees:**<br>Producer responsibility dues are paid annually to CAA; producers were required to begin paying dues in **January 2026**.<br><br>**Penalties:**<br><br>$5,000 for the first day of the first violation plus $1,500 for each additional day until cured; nonparticipating producers may be barred from selling or distributing covered materials in CO. | CAA's final Colorado program plan was approved by the Colorado Department of Public Health and Environment (CDPHE) in December 2025, triggering a requirement that **CAA must begin implementation by June 9, 2026**.<br><br>Producers of covered lubricant and related automotive-fluid packaging may need to register with/report to both CAA and Interchange 360 (a PRO that helps petroleum and automotive companies meet EPR compliance).<br><br>**Sales restriction date for producers operating under an individual plan (did not join CAA):** On or after **January 1, 2029** as set forth in an approved plan.<br><br>***<br><br>ILMA lawsuit filed March 12, 2026; no injunction issued yet, so the state's EPR program remains enforceable against all covered Colorado producers. |

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| California | The Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54) | **Who must comply:**<br>Producers of single-use packaging and single-use plastic food service ware; responsibility runs to brand owner ? licensee ? importer/distributor; small producers (<$1M CA gross sales) may apply for exemption.<br><br>**Current Obligations:**<br>Regulations took effect **May 1, 2026.**[4]<br><br>Producers were required to register with CAA (or as an independent producer/ exemption) by **June 1, 2026**.<br><br>Producers also had to submit 2023 baseline data and 2025 annual producer and source-reduction reports to CAA by **May 31, 2026.**<br><br>**Compliance fees:**<br>No fee on 2023 baseline; “early fees” invoiced mid-2026 on 2025 supply data.<br><br>**Penalties:**<br><br>Administrative civil penalty up to $50,000/day per violation ($25,000/day for qualifying small entities). | **Sales restriction date:**<br>**January 1, 2027**, no producer may sell, import, or distribute covered materials in California unless participating in approved PRO plan.<br><br>The broader EPR program (fees and all ongoing source-reduction, recycling, collection, and reporting obligations) is also set to take effect **January 1, 2027.**<br><br>***<br><br>On June 2, 2026, several organizations filed suit against CalRecycle seeking invalidation of the implementing regulations. |

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| Maryland | Environment ? Packaging and Paper Products ? Producer Responsibility Plans Act (SB 901) | **Who must comply:**<br>Producers (manufacturer, brand owner, licensee, importer, distributor) of covered materials – packaging and paper products sold, offered, imported, or distributed in Maryland.<br><br>**Current Obligations:**<br>Provide simplified reporting to and register with CAA by **May 31, 2026**.<br><br>Covered producers not participating through CAA must register directly with MDE by **July 1, 2026**.<br><br>**Compliance fees:** Producers pay fees based on covered material weight. The specific fee schedule will be set in the approved plan and remains TBD pending that approval.<br><br>**Penalties:**<br><br>Enforced by MDE under SB 901; violations are subject to administrative penalties of $5,000 and $10,000 for first and second violations, respectively, and a $20,000 civil penalty for third and subsequent violations. | SB 901 became effective June 1, 2025, and first implementing regulations went into effect **May 25, 2026**.<br><br>Producers must submit responsibility plans to MDE by **July 1, 2028** (either by having CAA submit a plan on their behalf or by submitting their own individual plan).<br><br>**Sale restriction date: October 29, 2028 or by a later date identified by the MDE**, no producer may sell, import, or distribute covered materials in Maryland unless the producer joined CAA or has an MDE-approved responsibility plan on file with MDE. |

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| Minnesota | The Packaging Waste and Cost Reduction Act (Part of Omnibus bill HF 3911) | **Who must comply:** Producers – brand owner, manufacturer, or importer – of covered materials (packaging and paper products); limited exemptions (e.g., infant formula, medical-device packaging).<br><br>**Current Obligations:** Register with and join CAA, required since **July 1, 2025.**<br><br>Simplified reporting by producers to CAA was due by **May 31, 2026**.<br><br>**Compliance fees:**<br>Producer fee structure TBD; expected to begin under the approved stewardship plan in **early 2029**, with approved-plan reimbursement obligations beginning **February 1, 2029**.<br><br>**Penalties:**<br>MPCA oversight and enforcement under the Act; program still in foundational/rulemaking stage. | The Act was signed early 2024; but it is still in an early foundational stage.<br><br>**Sales restriction date:** Beginning **January 1, 2029,**[5] producers may not introduce covered materials into Minnesota unless operating under an approved stewardship plan through a written agreement with a PRO. |

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| Washington | Recycling Reform Act (SB 5284) | **Who must comply:** Producers of residential packaging and paper products; “producer” – manufacturer, brand-license owner, brand owner, importer, then first distributor.<br><br>**Current Obligations:**<br>CAA simplified reporting for 2025 supply data was due **May 31, 2026**.<br>Each producer must become a CAA member[6] or register as a PRO implementing an individual plan by **July 1, 2026**.<br><br>**Compliance fees:**<br>Producers fund the PRO, which must reimburse ?90% of service-provider costs beginning in 2030; fee schedule TBD pending program plan; full implementation currently scheduled for 2030.<br><br>**Penalties:**<br><br>Ecology may impose civil penalties of up to $1,000 per violation per day, increasing to up to $10,000 per violation per day for second and subsequent violations; penalties are deposited in the Recycling Enhancement Account. | **Sales restriction date:** Beginning **March 1, 2029**, a producer not registered with/acting as a PRO may not introduce covered products into the state. |

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| Maine | An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money (LD 1541) | **Who must comply:** Producers of consumer packaging material introduced into Maine (municipal cost-reimbursement model); 2025 amendment excludes certain hazardous, medical, and cosmetic product packaging.<br><br>**Current Obligations:** **None.** No Stewardship Organization (SO) contracted yet by DEP (originally planned for spring 2026); producer registration and 2025 reporting is delayed pending selection of SO and execution of SO contract.<br><br>**Compliance fees:** Producers pay initial start-up registration fees within 180 days after the SO's DEP contract becomes effective; subsequent annual producer payments will fund ongoing program costs, with the first annual payment currently scheduled for **September 2027**; fee schedule to be set by DEP/SO.<br><br>**Penalties:**<br><br>Specifics pending program startup. | **Sales restriction date:** DEP's posted timeline still contemplates program being fully operational in 2027 (one calendar year following the effective date of DEP's contract with the SO), though that target is contingent on an executed SO contract. |

Producers should also take note of continued activity in other states, including pending packaging EPR bills, enacted needs-assessment legislation and stalled or failed proposals that could be revived in future sessions:

**Pending EPR Bills / Enacted Needs-Assessment Legislation**

- **Hawaii –** HB 750, signed into law May 27, 2025, requires the state Department of Health to conduct a statewide needs assessment for a potential packaging EPR program, with the assessment due to the Legislature by December 31, 2027.
- **Illinois** – The state enacted Public Act 103-0383, creating a statewide recycling needs assessment and advisory process, with findings and recommendations due by December 1, 2026. Separately, HB 4064, the Extended Producer Responsibility and Recycling Refund Act, was introduced May 21, 2025, and remains in the proposal stage.

- **Massachusetts –** Two packaging EPR bills (571 and H.926) remain pending in their respective Ways and Means committees. The state's EPR Commission issued itsfinal report on January 15, 2026, but did not endorse any specific packaging EPR bill while recommending further study of EPR for plastics and other packaging.
- **New Jersey –** The Packaging and Paper Product Stewardship Act (S673 / A3744) advanced through the Senate Environment and Energy Committee in February 2025 and was re-filed in both chambers on January 13, 2026.
- **North Carolina** – H 882, filed in April 2025, would establish a packaging EPR framework and toxics restrictions but is currently pending in the House Rules Committee.
- **Rhode Island** – While bills creating full EPR programs were introduced in Spring 2025, an amended H 6207 was signed into law June 30, 2025, which instead mandated a needs assessment due December 1, 2026, to inform potential future EPR legislation.

**Stalled, Failed or Shelved Proposals**

- **Connecticut** – HB 5151, which was introduced to the House on February 11, 2026, would have required the state to submit proposals derived from Connecticut's waste characterization study, including any recommendations for EPR programs covering consumer packaging or products, but the bill died in committee.
- **Georgia** – HB 1237, the Pollution Prevention and Producer Responsibility Act of 2026, was introduced February 6, 2026, but died in committee. The proposed bill sought to establish a producer responsibility program with an advisory board, recycling and composting standards, and reporting and enforcement requirements.
- **Nebraska** – LB 607, originally introduced January 2025 and reintroduced January 7, 2026, would have laid the groundwork for EPR data collection and recycled-content requirements but was indefinitely postponed on April 17, 2026.
- **New Hampshire** – HB 1789 was introduced January 7, 2026, and proposed to create an EPR program. The bill was deemed "Inexpedient to Legislate," meaning the House determined it should not be passed into law.
- **New York** – The Packaging Reduction and Recycling Infrastructure Act (S1464A / A1749A) passed the Senate but did not receive an Assembly vote before the Legislature adjourned in 2026, marking the third session in which the proposal cleared the Senate but stalled in the Assembly amid significant industry opposition.
- **Tennessee** – The state's packaging EPR bill (SB 0269) gained a new Republican sponsor in early March 2026, but was temporarily pulled from the Natural Resources Committee's scheduled voting calendar shortly thereafter, effectively

stalling the bill for the time being.

- **Vermont** – 139 was introduced on April 2, 2025, and would have required a needs assessment regarding the management of packaging materials distributed in Vermont, including opportunities to improve packaging reuse, recyclability, and safety and reduce packaging toxicity and quantity, but the bill did not advance out of committee.
- **Wisconsin** – Companion EPR bills (SB 778 and AB 772) were introduced in December 2025, but both bills failed to pass before the legislative session's deadline in March 2026, and would need to be reintroduced to move forward.

**Conclusion:**

EPR packaging legislation is now an active compliance reality. In several enacted-program states, legal requirements and deadlines are now in effect, with permanent regulations operative, registration, and reporting deadlines passed or imminent, and initial producer fees being collected. At the same time, implementation has begun to draw organized resistance: producers, trade associations, and a coalition of state attorneys general have mounted constitutional and statutory challenges to these programs across several states, and the outcomes could reshape how these regimes are implemented and enforced.

Momentum nonetheless continues to build. Beyond the seven states that have enacted EPR packaging laws, at least fourteen others have introduced, considered, or enacted packaging EPR or related needs-assessment legislation, with some advancing and others stalling or being shelved. With no federal EPR packaging law in sight, states continue to take matters into their own hands, and for companies operating across multiple jurisdictions, the resulting variations in recycling targets, fee structures, deadlines, and litigation risk demand careful, state-specific attention.

As this area continues to evolve rapidly and unevenly across jurisdictions, producers operating in multiple states should maintain state-specific compliance processes and monitor distinct obligations, deadlines, and legal uncertainties as they develop.

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

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[1] EPR programs for packaging generally require covered producers to register with a producer responsibility organization (PRO), report packaging data, pay fees based on the amount and type of packaging they place on the market and comply with requirements designed to increase recycling rates, improve recycling infrastructure, reduce waste, and encourage more sustainable packaging design.

[2] State of Oregon Department of Environmental Quality, Producer Status List, https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/69d903d0c3c096789-2026.pdf.

[3] ODEQ published a named list of Top 25 producers reported by CAA to ODEQ on March 31, 2026, with respect to weight of covered product supplied into the state in 2024 by each producer in aggregate across material categories. The list replaces the preliminary list reported to ODEQ by CAA on Aug. 1, 2025.

[4] CalRecycle, Plastic Pollution Prevention and Packaging Producer Responsibility Act, https://calrecycle.ca.gov/packaging/packaging-epr/.

[5] Minn. Stat. § 115A.1448(b); see also Minnesota Pollution Control Agency, Extended producer responsibility for packaging, https://www.pca.state.mn.us/air-water-land-climate/extended-producer-responsibility-for-packaging

[6] The Department of Ecology (Ecology) designated CAA as the PRO on March 4, 2026.

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