



Packaging Extended Producer Responsibility (EPR) Implementation and Retailer Responsibilities

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Maine

On July 12, 2021, Maine became the first state to sign legislation ([LD 1541](#)) creating EPR for packaging and printed paper in the state. This new law places financial responsibility on producers to fund the management and recycling of their products.

[Maine's Department of Environmental Protection \(DEP\)](#) presented its [draft rules](#) to the Board of Environmental Protection on December 21, 2023, initiating a multi-year rulemaking process that will determine how the program will operate and be implemented, including the creation of a packaging stewardship organization (PSO). Under the implementation timeline, the first EPR fees will not be collected until sometime in 2026. Information on the current material coverage and expected retailer responsibilities under this legislation is covered below.

Implementation Timeline

JULY 2022	Funding for program administration available in July
JULY 2022 - DECEMBER 2023	Stakeholder outreach for rule development
DECEMBER 31, 2023	Deadline to initiate rulemaking with Board of Environmental Protection
SUMMER 2024	Anticipated adoption of technical rules and provisional adoption of major substantive rules
FEBRUARY 15, 2025	First program update report due to legislature
JANUARY 2025	Submittal of major/substantive rules to the legislature for approval
SPRING/SUMMER 2025	Final adoption of substantive rules
FALL 2025	Issue RFP for stewardship organization
2026	Selection of stewardship organization First producer payments – Payments due no more than 180 days after effective date of Stewardship organization contract
2027	First payments to municipalities
FEBRUARY 15, 2028	Program report to legislature requiring comprehensive review of the rules and outlining any proposed changes to rules and law
JULY 2035	Reissue bid for stewardship organization

What material is covered?

Covered products include packaging and printed paper. LD 1541 defines packaging



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material as a “discrete type of material, or a category of material that includes multiple discrete types of material with similar management requirements and similar commodity values, used for the containment, protection, delivery, presentation or distribution of a product, including a product sold over the Internet, at the time that the product leaves a point of sale with or is received by the consumer of the product.” The bill excludes some packaging applications, including beverage containers (Maine has a [beverage container deposit program](#)), long-term storage materials, paint containers, and other assorted materials.

What are the retailer responsibilities and fees?

Beginning in 2026, the law requires producers of packaging (brand-owners) sold in the state to pay annual fees for the operation of municipal recycling programs. Producers will fund a PSO to manage the recycling program based on the amount and type of packaging they sell into Maine.

Fees will be determined by the DEP and will be based on weight or volume and adjusted to incentivize more environmentally friendly characteristics. These may include aspects such as the increased use of recycled content recyclability of a packaging material, the decreased toxicity in a packaging material, a decreased amount of packaging material used, and the increased reuse of packaging material.

How does my company stay up to date with Maine’s packaging EPR program?

- Engage with [Maine’s State Retail Association](#) – email Townsend.Brown@rila.org for an introduction
- Visit Maine’s DEP [website](#) for stakeholder updates, meetings, and education.
- Review the Stewardship Program for Packaging draft on Maine’s DEP [Rulemaking page](#)
- To be added to Maine’s DEP distribution list for updates on the state’s EPR process, please email MainePackagingEPR@Maine.org.gov.

Oregon

Oregon enacted the Plastic Pollution and Recycling Modernization Act on August 6, 2021. Covered products include packaging, printing, and writing paper, and food service ware. The bill is a shared responsibility measure that seeks to expand and improve recycling across the state. Under the legislation, [Oregon’s Department of Environmental Quality \(DEQ\)](#) will establish a standardized list of items that can be recycled. Funding generated from fees levied on producers under the program will be directed toward upgrading facilities to meet new performance standards.

On November 17, 2023, Oregon’s Environmental Quality Commission (EQC) adopted the first of two expected rules to clarify and implement the Act. The EQC adopted rules on



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producer responsibility program, DEQ’s administrative fees, funding and reimbursement of fees, and approved materials.

The second of two rulemakings is underway as of 2024. DEQ plans to propose rules on topics including commingled recycling processing facilities and the facility workers, generator-facing contamination, product exemptions, environmental impact evaluations and disclosure, and waste prevention and reuse fees. Following ongoing hearings and public comment processes, DEQ plans to propose the rules to the EQC sometime in 2024.

Implementation Timeline

2021	DEQ Implementation Planning
2022	Law effective January 1 Oregon Recycling System Advisory Council begins meeting Truth in Labeling Task Force submits report by June 1
2023	Needs assessment for collection expansion due July 1 Pilot projects for contamination reduction Studies for processor fees
2024	First PRO program plans due March 31 First PRO program plans assessment due May 15 Public procurement assessment due May 15 First equity study due Sept. 15 First needs assessment for multifamily services due Sept. 15
2025	Producers join a PRO PROs begin implementation Local governments implement program changes, including statewide collection list Processors obtain permit or certification
2026	Multitenant recycling requirement effective July 1 Needs assessment for litter and marine debris due Sept. 15 Compostability study due Dec. 31

What material is covered?

Covered products include packaging, printing, and writing paper, and food service ware. Beverage containers would be excluded due to Oregon’s current beverage container deposit program.

“Packaging” means: (A) Materials used for the containment or protection of products, including but not limited to paper, plastic, glass or metal or a mixture thereof; (B) Single-use bags, including but not limited to shopping bags; and (C) Nondurable materials used in storage, shipping or moving, including but not limited to packing materials, moving boxes, file boxes and folders.



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“Printing and writing paper” include, but is not limited to, newspapers, magazines, flyers, brochures, booklets, catalogs, telephone directories and paper used for copying, writing or other general use.

“Food service ware” means paper or plastic plates, wraps, cups, bowls, pizza boxes, cutlery, straws, lids, bags, aluminum foil or clamshells or similar containers: (a) That are generally intended for single use; and (b) That are sold to a retailer or a dine-in food establishment or a take-out food establishment, regardless of whether the item is used to prepackage food for resale, is filled on site for food ordered by a customer or is resold as is.

What are the retailer responsibilities and fees?

SB 582 requires producers to join producer responsibility organizations (PRO) and pay annual fees based on the environmental impact of their products.

The base fee paid by each producer will be calculated by multiplying the material-specific base fee rate by the total amount of covered products of each material sold or distributed by the producer in or into the state. Fees will be eco-modulated based on several factors including the “environmental impact” as measured by LCA, post-consumer recycled content, product-to-package ratio, and recyclability.

How does my company stay up to date with Oregon’s packaging EPR program?

- Engage with [Associated Oregon Industries Retail Council](#)
- Visit Oregon’s DEQ [website](#) for stakeholder updates, meetings, and education.
- Review DEQ’s [Implementation Timeline Factsheet](#)
- To be added to Oregon’s DEQ distribution list, please sign up [here](#).

Colorado

Colorado became the third state to pass an EPR law ([HB22-1355](#)) for packaging and printed paper on June 3, 2022. Unlike the EPR laws in Oregon and Maine, producers of packaging and printed paper will fund and operate the program, and funds will be used to finance a statewide recycling program.

On May 1, 2023, Colorado Department of Public Health and Environment (CDPHE) appointed Circular Action Alliance (CAA) as the Producer Responsibility Organization charged with implementing and managing the statewide program that provides recycling services to covered entities in the state. Annual dues paid by producers of products that use packaging materials and paper products fund the program.

The law created the producer responsibility program for statewide recycling [advisory board](#) that consists of members who have expertise in recycling programs and are



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knowledgeable about recycling services in the different geographic regions of the state. The advisory board convened its first meeting on January 26, 2023.

Implementation Timeline

2023	Designation of nonprofit organization to implement and manage a statewide program on June 1, 2023 Organization must hire third party to conduct a needs assessment by Sept 1, 2023
2024	Results of needs assessment reported to advisory board and CDPHE by April 1, 2024 Legislature approves recycling goals and cost estimate by April 1, 2024
2025	Organization submits a plan proposal to the advisory board and CDPHE by Feb. 1, 2025 A producer may not sell or distribute any products that use covered materials in the state unless the producer is participating in the program or, after January 1, 2029, as set forth in the final plan or another plan approved by CDPHE.
2027	Annual report due

What material is covered?

Covered products include packaging material and paper products. Packaging materials excluded are those intended to be used for long-term storage or protection of a durable product and that are intended to transport, protect, or store the product for at least five years.

"Packaging Material" means any material, regardless of recyclability, which is intended for single or short-term use and is used for the containment, protection, handling, or delivery of products to the consumer at the point of sale, including through an internet transaction.

"Paper Products" means paper and other cellulosic fibers, whether or not they are used as a medium for text or images. This includes items such as "flyers, brochures, booklets, magazines, and paper used for writing..."

What are the retailer responsibilities and fees?

Under the Act, producers must establish a PRO by June 1, 2023 – CAA was designated to implement and manage the statewide program on May 1, 2023. By July 1, 2025, a producer cannot sell or distribute products in Colorado unless they participate in the producer responsibility program. Producers must pay the producer responsibility dues on "covered



materials” annually to the PRO by January 1, 2026, and each year thereafter. Producers will need to keep records to document compliance with the Act and rules.

How does my company stay up to date with Colorado’s packaging EPR program?

- Engage with [Colorado’s Retail Council](#) or contact Townsend Brown at townsend.brown@rila.org for a direct introduction.
- Visit CDPHE’s [website](#) for stakeholder updates, meetings, and education.
- For updates on this program, please sign up by sending an email to email darla.arians@state.co.us with the subject line "producer responsibility contact list."

California

California signed into law [SB 54, the Plastic Pollution Prevention and Packaging Producer Responsibility Act](#) on June 30, 2022. The Act obligates single-use and disposable packaging producers to form a PRO to manage industry efforts to comply with the law’s requirements – Circular Action Alliance (CAA) was approved to serve as the first PRO It requires all covered material sold in or imported into California to be recyclable or compostable by 2032. The Act also requires a 25% reduction in the use of plastic packaging by 2032 and a 65% recycling rate of the remaining single-use plastic packaging by the same year.

Implementation Timeline

2023	Advisory Board (appointed by CalRecycle) composed of 13 voting and 3 nonvoting members on July 1, 2023
2024	Producers must form a PRO. CalRecycle to publish a list of materials considered recyclable and compostable by Jan. 1, 2024 CalRecycle to publish list of materials considered recyclable and compostable by July 1, 2024
2025	CalRecycle to publish implementation and enforcement regulation by Jan. 1, 2025
2026	CalRecycle to publish current recycling rates for each covered material category by Jan. 1, 2026
2027	Producers cannot sell covered materials into the state without being part of a producer responsibility plan by Jan. 1, 2027 (or sooner, if plan is approved before this date)
2028	30% of single-use plastic packaging and food ware recycled
2030	40% of single-use plastic packaging and food ware recycled
2032	65% of single-use plastic packaging and food ware recycled



	Reduce sale of plastic packaging by 25%
	Packaging is 100% recyclable or compostable

What material is covered?

Covered products include 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.”

What are the retailer responsibilities and fees?

The bill requires the producers, of these covered materials to source reduce plastic covered material, to ensure that covered material offered for sale, distributed, or imported in or into the state on or after January 1, 2032, is recyclable or compostable, and to ensure that plastic covered material offered for sale, distributed, or imported in or into the state meets specified recycling rates. In particular, the bill requires no less than 65% of plastic covered material to be recycled on and after January 1, 2032, and would authorize the department to increase or decrease the specified recycling rates in certain circumstances.

The bill prohibits producers from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the producer responsibility plan of a PRO as prescribed, for the source reduction, collection, processing, and recycling of covered material. Alternatively, the bill would require a producer to comply with the act individually without participating in a PRO’s plan.

How does my company stay up to date with California’s packaging EPR program?

- Engage with [California Retailers Association](https://www.calretailers.org/) or contact Townsend Brown at townsend.brown@rila.org for a direct contact
- Visit CalRecycle’s [website](https://www.calrecycle.ca.gov/) for stakeholder updates, meetings, and education.
- To be added to CalRecycle’s distribution list, please sign up [here](#).

Minnesota

Minnesota signed HF 3911 Omnibus Environment and Natural Resources supplemental appropriations on May 21, 2024, which includes the [Packaging Waste and Cost Reduction Act](#). The legislative text contains an EPR program for packaging and paper obligates producers to form a PRO to manage industry efforts to comply with the law’s requirements. It requires producers to pay half of recycling costs by February 1, 2029, and at least 90% by 2031.



Implementation Timeline

Jan. 1, 2025	PRO and Advisory Board appointed
March 1, 2025	First advisory board meeting
Dec. 31, 2025	Preliminary Needs Assessment due
July 1, 2025	Producers join PRO
July 1, 2026	PRO registers with commissioner
Dec. 31, 2026	First initial Needs Assessment due
July 1, 2028	Develop list of recyclable or compostable covered materials
Oct. 1, 2028	PRO stewardship plan due
Feb. 1, 2029	Producers to cover at least 50% of recycling costs
Feb. 1, 2030	Producers to cover at least 75% of net recycling costs
Feb. 1, 2031	Producers to cover at least 90% of net recycling costs

What material is covered?

Covered products include “a singular and specific type of covered material, such as paper, plastic, metal, or glass, that: (1) can be categorized based on distinguishing chemical or physical properties, including properties that allow a covered materials type to be aggregated into a discrete commodity category for purposes of reuse, recycling, or composting; and (2) is based on similar uses in the form of a product or package.” Exempt materials include items such as packaging for infant formula, certain nutrition supplements, medical devices, and specific packaging already covered under listed federal Regulations.

What are the retailer responsibilities and fees?

The bill requires the producers to join the PRO by July 1, 2025, and may not introduce covered materials without membership of the PRO after January 1, 2029. Furthermore, a producer may not introduce covered materials that do not fall under the reusable or capable of refill categories, or within the recyclable or compostable covered materials list after January 1, 2032. In particular, the bill requires producers to cover no less than 50% of recycling costs by February 1, 2029, 75% by February 1, 2030, and 90% by February 1, 2031.

How does my company stay up to date with Minnesota’s packaging EPR program?

- Engage with [Minnesota Retailers Association](https://www.minnretailers.org/) or contact Townsend Brown at townsend.brown@rila.org for a direct contact



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Disclaimer: The information above is meant to be a reference tool and is not an exhaustive list of all packaging EPR legislative activity in the U.S. The information provides a summary and does not convey all aspects of legislated requirements. Links to legislation are accurate as of the date of this publication. Retailers should reference official agency resources and/or the appropriate legislative documents for comprehensive guidance.