

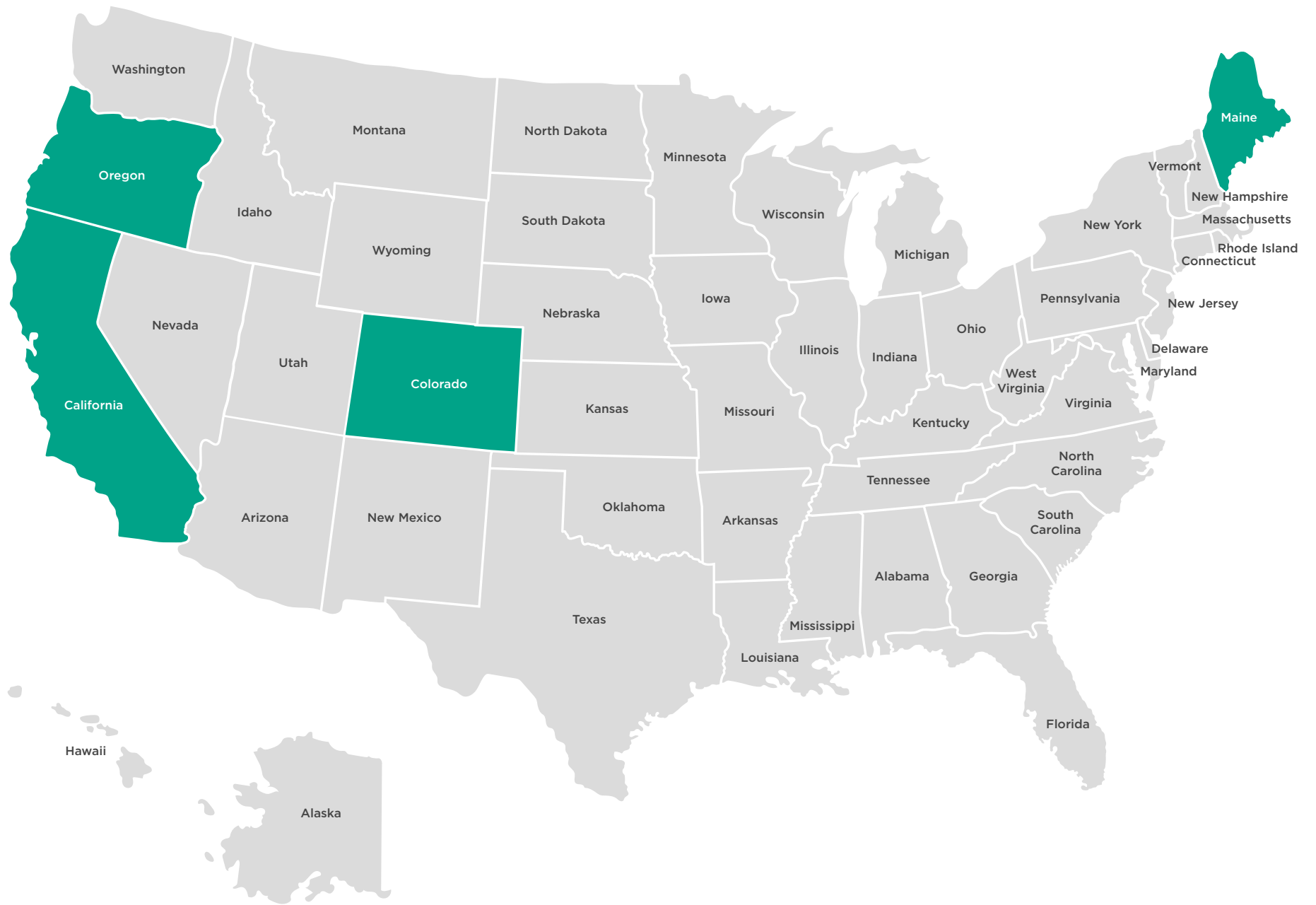


US Extended Producer Responsibility Packaging Legislation

Extended Producer Responsibility (EPR) legislation is a regulatory approach that holds producers responsible for the cost of their product's end-of-life. Producers are defined as brand owners or manufacturers who use and own products made from materials outlined in the legislation that are sold or distributed in that state. For CPG companies, EPR legislation will impact you directly or indirectly—whether you produce your own products or work with manufacturers.

The aim of EPR legislation is to drive sustainable packaging and improve recycling infrastructure by stabilizing the supply and demand for recyclable materials—and, ultimately, to create a more circular economy. EPR laws have been enacted in four states (California, Colorado, Maine, and Oregon) and are being considered in as many as ten more. This legislation impacts producers who use and own products made from the materials called out in these various bills and sold in these states. The legislation assists with recycling and waste management by shifting the responsibility and costs of managing packaging waste from municipalities to packaging producers.

Under EPR laws, producers are typically required to join a Producer Responsibility Organization (PRO), which is run by a third-party and assists with management and accountability. Producers pay an annual fee to the PRO (a fee that can be lessened based on what sustainable packaging options the producer may deploy). The PRO fee is then used for implementation and management of collection and recycling services. Producers are also generally required to annually report their production levels and material use. Each of the four states that has enacted an EPR law is in the rulemaking stage—so the final requirements of each are still being worked out.



Current as of February 2024

Requirements by State

CALIFORNIA	COLORADO	MAINE	OREGON
The Plastic Pollution Prevention and Packaging Producer Responsibility Act (CA SB 54) becomes effective on January 1, 2024 .	The Producer Responsibility Program for Statewide Recycling Act (CO HB 22-1355) became effective on June 3, 2023 .	The Stewardship Program for Packaging (ME LD 1541) became effective in July 2021 .	The Plastic Pollution and Recycling Modernization Act (OR SB 582) became effective January 1, 2022 .
UPCOMING REQUIREMENTS			
<p>2027: The first producer fees will be required.</p> <p>The following dates outline the timeline for statewide recycling rates to be achieved.</p> <ul style="list-style-type: none"> January 1, 2028: 30% of all plastic packaging to be recycled. January 1, 2030: 40% of all plastic packaging to be recycled. January 1, 2032: 65% of all plastic packaging to be recycled. January 1, 2032: 100% of plastic packaging is required to be recyclable or compostable, coupled with a 25% overall reduction in plastic packaging sold in the state. 	<p>February 1, 2025: The PRO will provide the list of covered materials (minimum recyclable list) and set minimum recycling rates for 2030 and 2035. Producers also have the option to submit annual individual plans for approval.</p> <p>July 1, 2025: Producers will not be able to sell or otherwise distribute products that use covered materials in the state unless they are participating in the program and/or join the PRO.</p> <p>January 1, 2026: The first producer fees will be required.</p>	<p>While the EPR program in Maine has passed, the rules and regulations are still being defined. Final adoption of the rules is expected in early 2025.</p> <p>2026: The stewardship organization (SO, same as a PRO) will be selected, and producers will be required to join the SO within 6 months. Producer payments are expected to begin after joining the SO.</p>	<p>March 31, 2024: PRO program plan submission deadline.</p> <p>July 1, 2025: Program implementation begins. Producers will be required to join the PRO and fee payments will begin.</p> <p>Key Difference: The cost of collection will continue to be partially paid by residential and commercial customers instead of solely by producers.</p>

Please consult with your legal team to understand the exemptions outlined in each state's legislation and to assess how specific legislative mandates impact your brand.

WHERE ELSE WE'RE WATCHING

We're keeping our eye on Maryland. While the state has not yet enacted an EPR program, they have appointed the Circular Action Alliance (CAA) to conduct a needs-based assessment of the state's recycling system as the first step toward establishing an EPR program. CAA is also the designated producer responsibility organization in Colorado and California. We're also closely watching what's happening in Canada, where national guidelines are being developed to establish consistency across EPR programs in all provinces. These guidelines would streamline the data collection process and improve data collection and performance measurement. Meanwhile, the European Union has proposed updates to their packaging regulations, including stringent post-consumer resin recycled content requirements and mandates for designing for recyclability.

Packaging Implications & Recommendations for Impacted Brands

If you are a brand owner, these laws will impact you as they shift the responsibility (and costs) of managing packaging waste from municipalities and onto the defined producer. Eco-modulation incentives, managed by producer responsibility organizations to reward producers with lower PRO fees if they reduce the environmental impact of their packaging, may be one way to get relief in some states. What incentives exist will vary depending on the state-specific legislation.

There are packaging strategies that can help you comply with EPR laws and minimize—as much as possible—the various state fees:

- **Incorporate PCR into your Packaging:** Post-consumer recycled (PCR) content is packaging that has been reconstituted from non-virgin sources (e.g., recycled plastics) and can be repurposed for consumer use. Using PCR reduces the use of virgin materials, which decreases the environmental impact of your product; it also helps to stabilize demand for recycled materials. Considerations for implementing PCR into packaging include odor, color, performance, use of food grade resins, price, and supply. [Learn more about PCR and Minimum PCR Content Legislation here.](#)
- **Design for Recyclability:** In its [Circular Packaging Assessment Tool](#), the Recycling Partnership says that “while the body of a package may be easily recyclable, companies must also ensure that package components and constituents—such as labels, lids, additives, and liners—do not hinder the recyclability of the package. Including contaminants in packaging composition results in value loss throughout the system, decreases availability of recycled content, and at times even reduces the quality of recycled content.” Indeed, everything from size to shape, the type of material or plastic, the color, and the labeling impacts the recyclability of your package. In order to ensure recyclability, all these design considerations must be taken into account. [Utilize our team of experts](#) in Supply Chain and Design & Engineering to evaluate the recyclability of your existing package.
- **Use Nonhazardous Materials:** Hazardous materials in packaging products potentially pose environmental and health risks. Using nonhazardous materials will minimize EPR fees associated with the product because doing so will decrease environmental and safety concerns.

If you're looking to comply with EPR measures and minimize the potential impact of your fees, TricorBraun can help. Our deep relationships with our robust network of suppliers means that we can partner with the best supplier to meet your goals or we can leverage our in-house design capabilities to develop new PCR packaging. Plus our knowledgeable Supply Chain and Design and Engineering experts will work with you to implement or custom design packaging for recyclability. And our dedicated team of in-house quality professionals takes packaging through a range of qualification and functional testing to ensure that your sustainable packaging will perform as required. Let us partner with you to create packaging that reduces your environmental footprint, and potentially your fees, while wowing your customers.

This overview is designed to help you better understand emerging EPR requirements and how we can support you on this complex journey. We also recognize that your sustainability goals are broader than compliance with state laws—and we're prepared to support you in ensuring that your packaging aligns with your sustainability strategy and brand story. As one of the largest suppliers of primary packaging across all substrates, let us help you evaluate what packaging materials and designs will create a package that drives brand loyalty for long-term success.

