

Extended Producer Responsibility (EPR) Overview

OCTOBER 2025



What is EPR?

Extended Producer Responsibility (EPR) is a policy approach that makes companies responsible for managing the end-of-life of their packaging and paper products—through recycling, composting, reuse, or safe disposal.

As of 2025, seven states—California, Oregon, Colorado, Maine, Minnesota, Maryland and Washington—have passed EPR laws, with implementation beginning over the next two to three years. Additional states, including New York, New Jersey, and Illinois, are actively considering similar legislation.

These laws are designed to increase recycling and reuse, set mandatory recycled content targets, and in some cases, restrict or phase out certain materials. Many also use “eco-modulated” fees, charging higher rates for packaging that is harder to recycle and reward packaging that exceeds performance standards.

Fee structures vary. Local PROs should be consulted for details.



How does the EPR process work?

States set up Extended Producer Responsibility programs using one of two models:

- **Full responsibility:** the program covers the entire cost of recycling and disposal systems.
- **Shared responsibility:** producers support existing taxpayer-funded systems.

Each program is administered by a **Producer Responsibility Organization (PRO)** approved by the state. The PRO develops and manages the plan for collecting, recycling, and disposing of packaging materials.

Currently, the **Circular Action Alliance (CAA)** is the only PRO for packaging in the U.S. It has been recognized in Colorado, California, Oregon, Maryland, Minnesota and other states. information and updates on how each program will work.



What happens once a PRO is in place?

When a Producer Responsibility Organization (PRO) is established, the process typically unfolds in three steps:

1. **Needs Assessment:** The PRO or state agency evaluates the state's capacity for collection, recycling, composting, reprocessing, and end markets.
2. **Plan Development:** Using this assessment, the PRO submits a program plan to the state environmental agency or advisory board. If the plan is rejected, it must be revised and resubmitted until approval is approved.
3. **Producer Participation:** Once the plan is approved: 1) Producers must register with the PRO. 2) They report the tonnage of covered materials sold in the state the previous year. 3) They pay fees based on packaging type and system costs.

Producers that fail to participate may face fines, penalties, or even lose the ability to sell products in the state.

Who counts as a producer?

A common baseline definition can be found in the "[Shared Elements of EPR Legislation for Packaging and Paper Products \(PPP\)](#)," developed between the [Flexible Packaging Association \(FPA\)](#) and the Product Stewardship Institute (PSI). Below is a baseline hierarchy of the definition of a "producer" in the publication:

- (A) A person who manufactures a product under the manufacturer's own brand that uses covered material;
- (B) If subparagraph (A) does not apply, a person who is not the manufacturer of a product under the manufacturer's own brand that uses covered material, but is the owner or licensee of a trademark under which a covered material is used in a commercial enterprise, sold, offered for sale or distributed in the state, whether or not the trademark is registered; or
- (C) If subparagraphs (A) and (B) do not apply, a person who imports the product that uses the covered material into the state for use in a commercial enterprise, sale, offer for sale or distribution in the state.

In practice, Section A covers most brand owners or manufacturers, Section B covers private label owners, and Section C covers importers. While each state varies slightly, this hierarchy is generally followed (with limited exceptions such as foodservice and service packaging in Oregon and Colorado).

When will producers have to officially register with a PRO?

- Colorado: Deadline has passed, October 1, 2024
- Oregon: Deadline has passed, March 31, 2025
- California: Deadline has passed, September 1, 2025
- Maine: 2026 with date TBD
- Minnesota: Deadline has passed July 2025
- Maryland: July 1, 2026
- Washington: July 1, 2026

When will producers have to pay fees?

- Oregon: July 1, 2026
- Colorado: January 1, 2026
- Maine: Late 2026 with rules to be completed
- California: Startup fee in mid-2026, packaging fees on January 1, 2027
- Minnesota: February 1, 2029
- Maryland: July 1, 2028
- Washington: Start-up Fee May 2027, Packaging Fees May 2028



For more details, contact your Novolex sales representative or Government Affairs expert. We're happy to share more or arrange a briefing on extended producer responsibility for packaging.

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