

EPR:
What is it,
where is it,
and what you need to know

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What Does it Do?

(depends on who you ask and what they want)

Forces changes in packaging types

Forces removal of toxic chemicals

Reduces plastics

Moves toward source reduction and reusable packaging

Funds environmental justice projects

Increases industry and consumer costs

Funds existing and expanded recycling programs

Drives greater packaging recovery and recycling – including through innovation

Helps companies meet their sustainability goals

Extended Producer Responsibility (EPR)

Policy – shift some level of financial, and sometimes operational, burden of managing packaging at its end of life from local government and taxpayers to product producers.

Covers – generally all packaging formats and materials, with some more specific requirements on plastics in some states (i.e., California, Oregon).

Impacts – primarily brand owners of products using packaging – must join and pay producers fees for covered materials to a producer responsibility organization (PRO).

States – full laws in California, Colorado, Maine, Minnesota and Oregon; groundwork laws in Illinois and Maryland.

Timing – regulations and other elements of laws currently being implemented with Colorado and Oregon first to be in full effect in July 2025.

Things to consider – Joining a PRO, collecting reportable packaging format and material data, understanding program requirements for recyclability, compostability, reusability and source reduction.



AMERIPEN Formal EPR Position

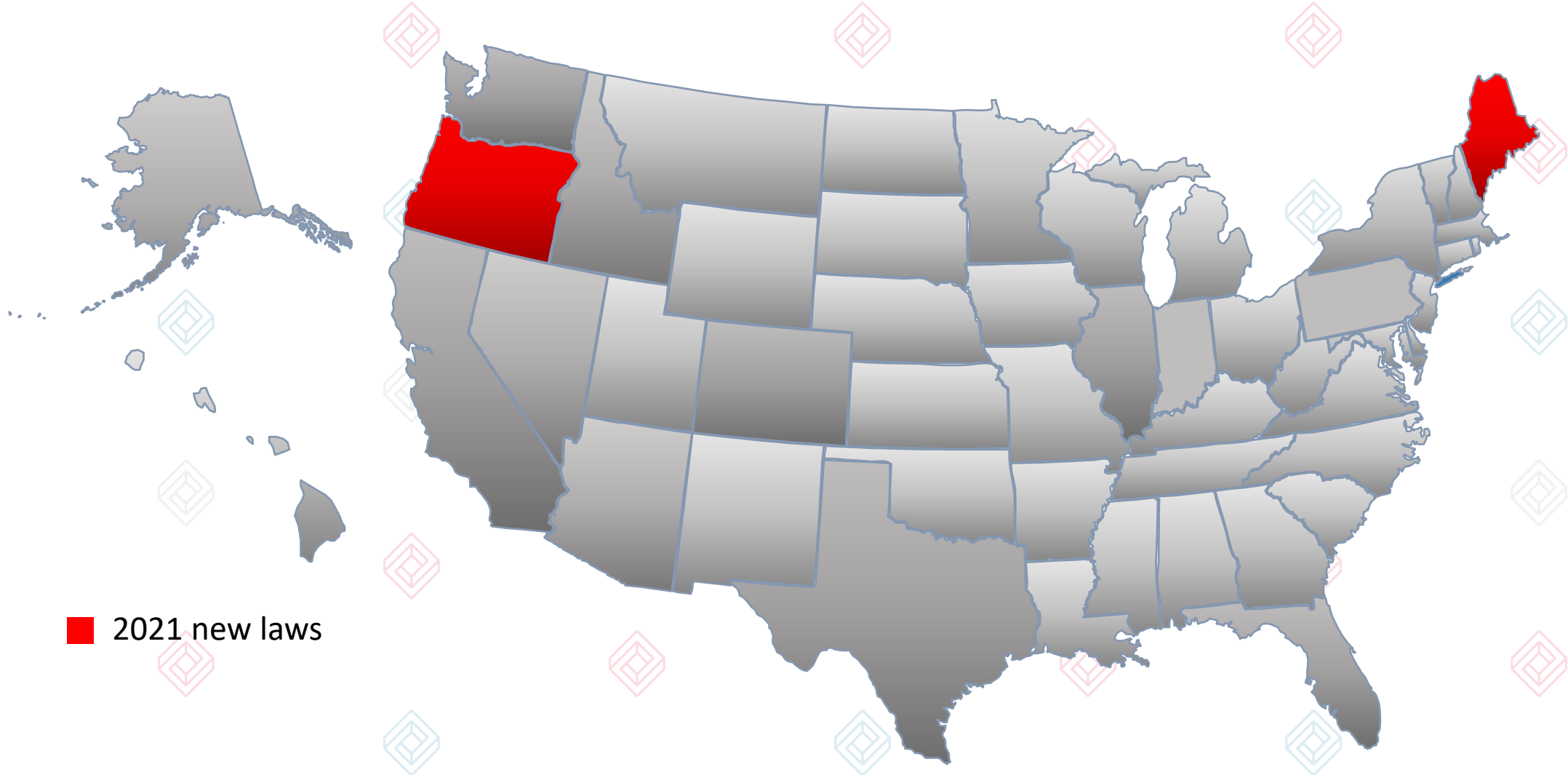
AMERIPEN supports policy positions that are:

- Results based
- Effective and efficient
- Equitable and fair

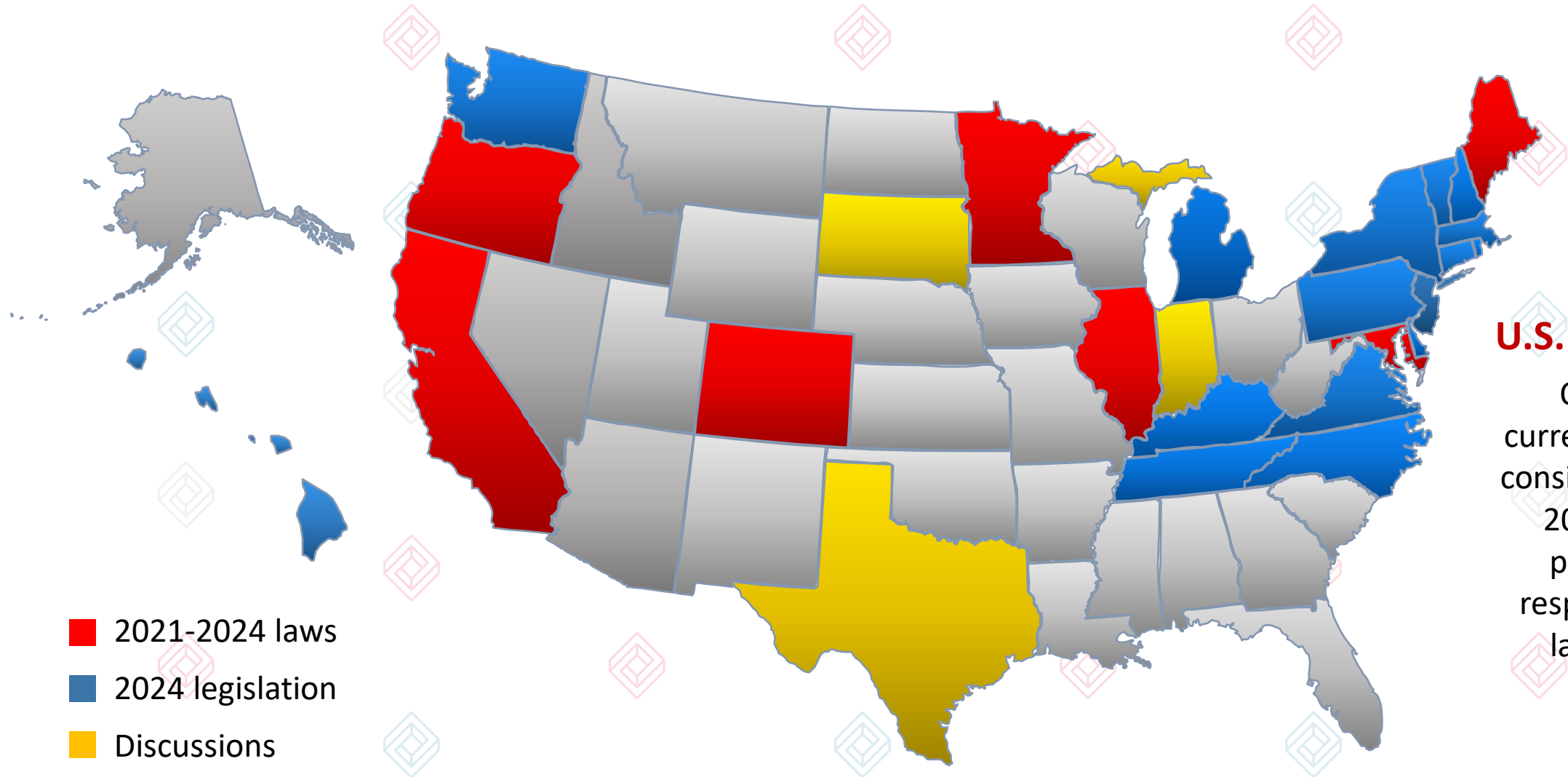
AMERIPEN supports packaging producer responsibility legislation that represents ***true shared responsibility*** between industry (through a PRO) and government for packaging recovery and recycling. **AMERIPEN** does not support packaging producer responsibility legislation that places full financial responsibility on producers or that combines packaging producer responsibility with other packaging recovery and recycling policies such as PCR content mandates and packaging labeling.



U.S. Packaging Producer Responsibility Laws 2021



U.S. Extended Producer Responsibility Activity 2021-2024



U.S. Congress

One bill currently under consideration in 2024 with producer responsibility language



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Packaging Producer Responsibility – U.S. Laws 2021-2024

	Maine	Oregon	Colorado	California	Minnesota
Signed Into Law	07/12/2021 – LD 1541	08/06/21 – SB 582	06/03/2022 – HB 1355	06/30/22 – SB 54	05/21/24 – HF 3911
Covered Products	Packaging	Packaging, printed paper, food serviceware	Packaging, printed and other paper	Single use packaging, plastic food service ware	Packaging, paper products
Producer Responsibility Organization (PRO)	Single under state contract	Multiple possible immediately	Multiple possible after 2028	Multiple possible after 2030	Multiple possible after 2033
Producer Funding of System	100% current/expanded	30% expanded	100% current/expanded	100% expanded?	Scales up from 50% in 2029 to 90% in 2031
Producer Fees	Developed by state	Developed by PRO	Developed by PRO	Developed by PRO	Developed by PRO
Eco-Modulation	Allowed – PRO develops	Allowed – PRO develops	Allowed – state develops	Allowed – PRO develops	Allowed – PRO develops
E-commerce	Included – undefined	Included – defined	Included –undefined	Included – defined?	Included – defined
Recycling Goals	State develops	In law for plastic	PRO develops	In law for plastic	PRO and state develop
Source Reduction	Not specifically	Not specifically	Not specifically	In law for plastic – 25%	Not specifically
Needs Assessment	Partial – no due date	Full – due July 2023	Full – due January 2024	Full – due January 2026	Full – due December 31, 2025
Producer Compliance	Fall 2026	July 2025	July 2025	January 2027	January 2029
Is it EPR?	No	Yes – but not ideal	Yes – but not ideal	Yes – but not ideal	Yes – and more ideal

Packaging Producer Responsibility Law Implementation

Maine – 18-month stakeholder engagement process began December 2022. Rulemaking began in 2023 with first proposed draft rules released and public comment period – “reposting draft” released in July 2024. Formal rules now scheduled for summer 2025 adoption. **AMERIPEN** deeply engaged.

Oregon – Recycling System Advisory Council (ORSAC), Rulemaking Advisory Committee (RAC) and Technical Workgroup on Materials Lists all have met regularly – **AMERIPEN** engaged in all, including seat on ORSAC. First rulemaking now complete and rules adopted. Second rulemaking is nearly complete. Single PRO – Circular Action Alliance (CAA) – second draft program plan under review.

Colorado – Advisory Board named in December 2022 – rulemaking stakeholder meetings began in March 2023 – drafting of primary rules underway with public comments ongoing – single PRO announced May 2023 – Circular Action Alliance (CAA) – Producer registration deadline – October 1, 2024 – **AMERIPEN** engaged.

California – informal stakeholder rulemaking workshops completed in 2023 – draft rules released in December 2023 and formal rulemaking comments due April 2024 – second draft rules released in October 2024 and formal rulemaking comments due November 2024 – CAA named as PRO in January 2024 – Advisory Board is now meeting. **AMERIPEN** engaged in all.

Minnesota – signed into law May 21, 2024 – producers must appoint PRO by January 1, 2025 – producers must be member of a PRO July 1, 2025 – program in full effect January 1, 2029.

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Packaging Producer Responsibility Groundwork Laws

Illinois – enacted in 2023

- Not full packaging EPR – groundwork law for possible future legislation and law.
- Establishes Advisory Council; conduct needs assessment by December 2025.
- Several **AMERIPEN** members sit on Advisory Council – work just starting.

Maryland – enacted in 2023

- Not full packaging EPR – groundwork law for possible future legislation and law.
- Establishes PRO, Advisory Council; conduct needs assessment by December 2024.
- **AMERIPEN** sits on Advisory Council – work starting soon.
- Circular Action Alliance (CAA) selected as PRO in October 2023.



Packaging Producer Responsibility – Minnesota

- Covers packaging for all materials and paper products.
- Shared producer responsibility for costs, producers providing reimbursements no less than 50% in 2029, 75% in 2030, and 90% in 2031 and each year thereafter
- Rates and dates for composting, recycling and reuse are not included in statute but performance targets must be developed by PRO and state
- Producers to control the producer responsibility organization (PRO) and develop the stewardship plan
- Service providers required to register and meet performance standards in order to be reimbursed by the PRO
- Statewide collection lists to be set by Minnesota Pollution Control Agency (MPCA)
- Provisions for reuse and refill, banning materials by January 1, 2032, that are neither reuse, refill, compostable, or recyclable by the services provided under the plan
- Strong antitrust provisions in statute

