

State Packaging **Extended Producer Responsibility** Laws

A WHITE PAPER

Taft/PPAI



Introduction: EPR Laws

Multiple states have enacted EPR laws to shift to producers the financial responsibility for end-of-life costs associated with single-use packaging and paper waste. Under these state EPR laws, producers of products using such packaging/paper must:

- Register with an organization responsible for implementing these laws or receive approval from the applicable state to individually comply with these laws.
- Comply with initial and ongoing registration and reporting requirements.
- Pay regular fees for the administration/implementation of the applicable state packaging EPR programs.
- Achieve published targets for the recycled content/rates or material composition of such single-use packaging and paper waste.

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How to Use this White Paper

General

This white paper should only be used as a regulatory reference or initial compliance-screening resource. Because packaging EPR obligations are state-specific and continue to evolve, each company should perform its own analysis regarding the applicability of each state packaging EPR law to its products or SKUs, packaging configurations, sales channels, and transaction structures.

Compliance Strategy

In helping determine its potential state packaging EPR law compliance obligations, a company should consider:

1. Determining whether it manufactures, licenses, sells, distributes, and/or imports packaging or paper products that are covered materials or covered products subject to state packaging EPR obligations;
2. Determining whether it is potentially eligible for any statutory exclusions or producer exemptions to these obligations;
3. Identifying the obligated producer(s) of covered materials or covered products under each state packaging EPR law that it manufactures, licenses, sells, distributes, and/or imports;
4. Identifying potentially applicable registration, reporting, fee, material-target, and recordkeeping requirements under each state's packaging EPR law; and
5. Retaining the factual and legal bases for all state packaging EPR law applicability determinations in an auditable compliance file.

Version Control

The statutory and regulatory information within this white paper is current as of October 2, 2026. Companies should consult state packaging EPR law statutes, regulations, agency guidance, and Producer Responsibility Organization or Stewardship Organization instructions for determining their obligations under each state packaging EPR law, instead of solely relying on this white paper.

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Goals of State Packaging EPR Laws

The stated goals of state packaging EPR laws include:

- Reducing packaging waste
- Reducing landfill/incineration costs
- Reducing/preventing pollution
- Increasing recycling rates
- Increasing waste collection rates
- Encouraging sustainable packaging design
- Encouraging innovation in packaging use and design

State Packaging EPR Laws (Enacted and in Effect)

California Plastic Pollution Prevention & Packaging Producer Responsibility Act (SB 54)
Colorado Producer Responsibility Program (HB 22-1355)
Maine Stewardship Program for Packaging Materials (LD 1541)
Maryland Packaging & Paper Products – Producer Responsibility Plans Act (SB 901)
Minnesota Packaging Waste & Cost Reduction Act (HF 3911)
Oregon Plastic Pollution & Recycling Modernization Act (SB 582)
Washington Recycling Reform Act (SB 5284)

Packaging EPR legislation is also pending in several states (CT, HI, GA, IL, MA, MO, NC, NE, NJ, NY, RI, and TN).

Key Definitions for State Packaging EPR Laws

Covered Materials or Covered Products – the materials and products subject to state packaging EPR laws, including packaging materials or packaging (defined below) and paper and writing products or paper products (defined below).

Producer – the entity obligated to comply with state packaging EPR laws (e.g., this can be the manufacturer, brand owner/licensee, importer, distributor, and/or publisher of materials or products covered under an EPR law/program).

Producer Responsibility Organization (PRO) or Stewardship Organization (SO) – an organization authorized by a state to administer and implement the state's packaging EPR law.

Packaging Materials or Packaging – materials intended to bundle, contain, protect, transport, or display products that may be subject to state packaging EPR laws.

Paper and Writing Products or Paper Products – products such as newspapers, magazines, flyers, brochures, booklets, and catalogs that may be subject to state packaging EPR laws.

See Appendix C for specific definitions of these terms under specific state packaging EPR laws.

Circular Action Alliance (CAA) – the PRO implementing the state packaging EPR laws in California, Colorado, Maryland, Minnesota, Oregon, and Washington.

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Scope of "Covered Materials" or "Covered Products" Definitions

"Covered" materials or products subject to state packaging EPR laws generally include:

- Packaging such as materials intended to bundle, contain, protect, transport, or display products.
- Paper products such as newspapers, magazines, flyers, brochures, booklets, and catalogs.

Certain states exclude materials or products sold/distributed for industrial/business/commercial purposes (i.e., these state EPR laws only cover materials or products sold/distributed to a consumer for personal, noncommercial use).

Certain states exclude packaging sold/distributed via business-to-business transactions.

Scope of "Producer" Definitions

Producers can be:

- Manufacturers (who are the brand/trademark owners or licensees)
- Manufacturers (who are *not* the brand/trademark owners or licensees)
- Brand/trademark owners or licensees
- Importers
- Distributors
- Packagers
- Publishers

State packaging EPR laws currently in effect generally have tiered definitions for producer, such that an entity meeting a lower-tiered definition would not be the producer if another entity in the supply chain and located in that state meets a higher-tiered definition.

Each state has its own legal definition for producer, so it is critical to review each state's definitions to determine whether/how the law applies to a specific entity.

Key Exceptions/Exemptions

Several state packaging EPR laws exclude covered materials or products sold/distributed in certain business-to-business transactions. (CO, MD, MN, WA)

Several state packaging EPR laws exclude covered materials or products not sold/distributed to residential entities (i.e., single-family or multifamily residences). (CO, MD, WA)

Several state packaging EPR laws exempt producers who sell/distribute less than one ton (2,000 lbs) of covered materials or products into those states. (CO, OR, ME, MN, MD, WA)

Several state packaging EPR laws exempt producers who do not exceed annual gross revenue thresholds (under $2 million to under $5 million, depending on the state). (CO, OR, ME, MN, MD, WA)

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Requirements for Producers

State packaging EPR laws generally require producers to:

- Register with a producer responsibility organization (PRO) or stewardship organization (SO) to implement the requirements of each applicable state packaging EPR law or receive approval from the applicable state agencies to individually comply with the applicable state packaging EPR laws (CA, CO, MD, WA).
- Comply with initial and ongoing registration and data reporting requirements regarding the covered materials or products sold/distributed into a state.
- Pay regular fees for the administration/implementation of the state packaging EPR programs, including flat fees or fees based on the type and weight of covered materials or products sold/distributed into a state.
- Achieve certain targets for the recycled content, recycling rates, or material composition of covered materials or products sold/distributed into a state.

Producer Responsibility Organization or Stewardship Organization Concept

Each state with a packaging EPR law must approve a PRO or SO to administer and implement the requirements of its EPR law.

To date, Circular Action Alliance (CAA) is the only approved PRO/SO among the states with packaging EPR laws.

- CAA serves as the PRO for California, Colorado, Maryland, Minnesota, Oregon, and Washington.
- CAA previously expressed interest in becoming Maine's SO but ultimately decided not to apply. Notably, Maine did not receive any proposals to become the state's SO by its initial August 18, 2026, application deadline. On September 11, 2026, Maine announced that it is reviewing/revising its request for proposals to become the state's SO.

Producers may comply with applicable state packaging EPR laws that CAA administers by registering with CAA and complying with CAA's plans for administering these laws.

- Learn more at CAA's website: circularactionalliance.org

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State Packaging EPR Deadlines

State packaging EPR laws impose various compliance deadlines for producers. The following are known **past** and **upcoming** deadlines across the states with active EPR laws:

October 1, 2024
Colorado Registration Deadline for Producers

March 31, 2025
Oregon Deadline for Producers to Submit or Change Reported Material Supply Data

July 1, 2025
Oregon Packaging EPR Program Starts & Fees Begin

July 1, 2025
Minnesota Registration Deadline for Producers

July 31, 2025
Colorado Reporting Deadline for Producers

September 5, 2025
California Registration Deadline for Producers

November 15, 2025
California Reporting Deadline for Producers

January 1, 2026
Colorado Packaging EPR Program Begins

May 1, 2026
Maine Registration & Reporting Deadline for Producers
Within 90 days of the SO making a registration mechanism available, producers must register with the SO.

May 31, 2026
- Annual Supply Report Deadline for California, Colorado and Oregon
- 2026 Baseline Report, Individual Source Reduction Plan, and Annual Source Reduction Report deadline for California
- Interim Producer Reports for Maryland, Minnesota, and Washington

July 1, 2026
Maryland Registration Deadline for Producers

July 1, 2026
Washington Registration Deadline for Producers

January 1, 2027
California Packaging EPR Program Begins

July 1, 2028
Maryland Packaging EPR Program Starts & Fees Begin

January 1, 2029
Minnesota Packaging EPR Program Begins

July 1, 2029
Maryland Reporting Deadline for Producers

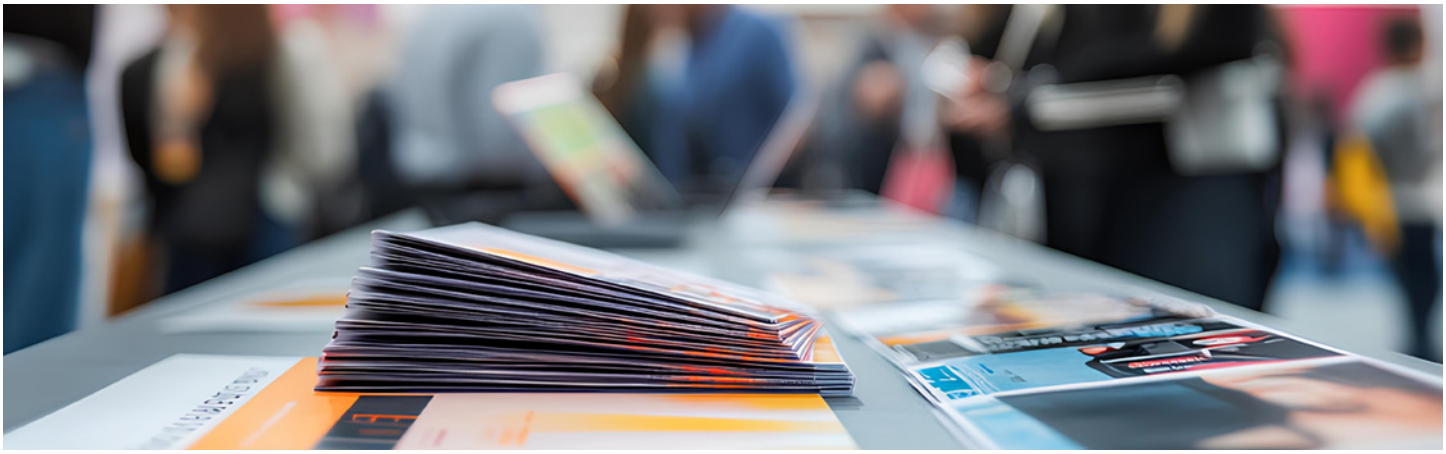
Note: References to "EPR Program Starts/Begins" identify general implementation milestones, not necessarily the dates on which all producer obligations or sale/distribution restrictions take effect. Registration, reporting, fee payment, and other requirements may have separate deadlines. Consult applicable state law, agency guidance, and PRO/SO instructions to confirm specific requirements and effective dates.

Potential Penalties for Noncompliance

Potential penalties for noncompliance with state packaging EPR requirements include but are not limited to:

- **Civil Penalties**
  - Several state packaging EPR laws allow civil penalties against noncompliant producers.
  - Civil penalties can range from $3,000 to $100,000 per violation.
- **Late Charges**
  - The PRO/SO may impose fines/fees for producers who fail to meet applicable reporting deadlines.
- **Name and Shame**
  - Noncompliant producers will be excluded from CAA's public registries of compliant producers shared with state regulators and may be listed as noncompliant.
  - CAA currently provides lists of Colorado and Oregon producers registered with CAA.
- **Reputational Harm**
  - Noncompliance with state packaging EPR laws could harm a company's reputation with state regulators, CAA, suppliers, customers, etc.
- **Sale Prohibition**
  - Noncompliance with state packaging EPR laws could result in a company being prohibited from selling or distributing products or materials subject to these laws in the applicable states.

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EPR Laws and the Branded Merch Industry: Overview

Branded merch may use or consist of packaging materials (such as materials intended to bundle, contain, protect, transport, or display products) or paper products (such as newspapers, magazines, flyers, brochures, booklets, and catalogs) that are subject to these laws.

Under the tiered definitions for producer in many states, the brand/trademark owners/licensees are more likely to be deemed the obligated producers. It is likely these owners/licensees meet a higher-tiered definition of "producer" than promotional product companies that merely produce products under their customers' brands for sale/distribution by the customers. However, the determination also requires a legal presence in the state, so such promotional product companies could still meet lower-tiered definitions of producer that may obligate them to comply with applicable state packaging EPR laws.

Certain exemptions may also apply to entities who manufacture, sell, or distribute branded merch, such as:

- **Business-to-business transactions** – Several states exclude covered materials or products sold or distributed in certain business-to-business transactions. (CO, MD, MN, WA)
- **Products not sold for residential/noncommercial use** – Several states exclude covered materials or products not sold/distributed to residential entities (i.e., single-family or multifamily residences).
- **Low-volume producers** – Several states exempt producers who sell/distribute less than one ton of covered materials or products into their states.
- **Producers with certain annual gross revenues** – Several states exempt producers who do not exceed annual gross revenue thresholds (under $2 million to under $5 million, depending on the state). This revenue may be defined as within the state (CA) or overall.

Challenges for the Branded Merch Industry

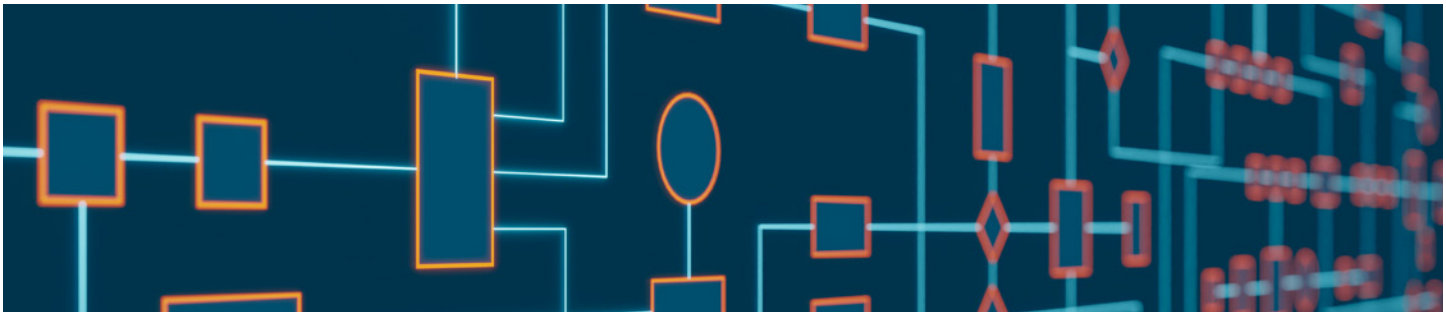
Determining whether branded merch uses or constitutes "covered" materials or products:

- The definitions for covered materials/products (as well as their sub-definitions of packaging and paper products) are broad/extensive and include several exceptions/exemptions.
- It may be challenging for entities in the branded merch industry to determine whether their products and packaging are subject to each state packaging EPR law.

Determining who is the "producer":

- Multi-tiered definitions for the term "producer" in state packaging EPR laws require potentially regulated entities to assess the activities (and regulatory status) of multiple entities involved with the production, sale, and distribution of products.

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Producer-Determination Decision Tree

The following is a decision tree to assist companies with determining who is the producer of covered materials or covered products sold or distributed in states with packaging EPR laws. This decision tree constitutes general guidance and should not serve as a substitute for companies independently analyzing applicable state statutes, regulations, and agency guidance to determine their state packaging EPR obligations.

STEP 1 – State Applicability
Is the product, packaging, paper product, or other material sold or distributed into a state with an applicable packaging EPR program? If NO, document the conclusion and continue monitoring. If YES, proceed to Step 2.

STEP 2 – Covered Material and Covered Product
Does the transaction involve potentially covered packaging or paper products, including material used to contain, protect, bundle, transport, deliver, or display a product, under the applicable state packaging EPR law? If NO, retain the analysis. If YES, proceed to Step 3.

STEP 3 – Material or Transaction Exclusion
Does a material-, product-, transaction-, or end-use exclusion apply under the applicable state packaging EPR law, including an applicable business-to-business, industrial, non-residential, or specifically excluded product category? If YES, document the exclusion and supporting facts. If NO, proceed to Step 4.

STEP 4 – Producer Exemption
Does the company qualify for an applicable producer exemption or threshold under the applicable state packaging EPR law, such as a revenue or low-volume threshold? If YES, document the calculation and evidence. If NO, proceed to Step 5.

STEP 5 – Brand/Trademark Owner or Licensee
Identify the owner or licensee of the brand or trademark under which the packaged promotional product is sold or distributed. Determine whether that entity satisfies the highest-priority producer definition under the applicable state packaging EPR law. If YES, confirm the state-specific hierarchy of a producer and proceed to Step 8. If NO, proceed to Step 6.

STEP 6 – Manufacturer
If the brand owner or licensee is not the producer under the applicable state packaging EPR law, determine whether the manufacturer of the packaged product, or where applicable the packaging, is the next qualifying entity. If YES, confirm the state-specific hierarchy of a producer and proceed to Step 8. If NO, proceed to Step 7.

STEP 7 – Other Entities in the Hierarchy
Determine whether responsibility shifts to an importer, distributor or first distributor, publisher, retailer, or the party that packages or ships an e-commerce order under the applicable state packaging EPR law. Identify the highest-priority qualifying entity. If no entity can be determined, escalate for state-specific legal or compliance review rather than assuming that no producer exists.

STEP 8 – Confirm the Determination
Confirm producer responsibility for the specific state, transaction, material, and sales channel, including any special e-commerce or paper-product rules, under the applicable state packaging EPR law. Then assess registration, PRO/SO participation, reporting, fees, material targets, and deadlines.

STEP 9 – Audit File
Retain the producer determination and supporting evidence, including brand ownership, manufacturer and importer information, sales/distribution facts, packaging data, exemption calculations, registrations, reports, and relevant correspondence. Reassess when transaction facts or regulatory requirements change.

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State Packaging EPR Challenges

State packaging EPR laws are new and represent an emerging field of regulation. This means that established precedent may not exist, and the regulated community, trade industries, and the regulators themselves are learning on the go.

Some state packaging EPR laws currently lack regulations or interpretive guidance, and other regulations/guidance are being constantly updated/superseded.

Each state is different, and more states are considering their own packaging EPR laws, which adds complexity and costs to doing business in those states.

The scope of these state packaging EPR laws is quite broad, and definitions for covered materials/products and producers are complex and differ from state to state and cover a wide range of packaging/products and entities across a multitude of industries.

The amount of EPR fees is still unclear:

- CAA provides an early fee schedule for California producers, as well as 2026 producer fees for Colorado and Oregon producers. That said, these schedules have a significant range of potential fees such that it remains difficult to reliably estimate costs.

Non-Packaging EPR Legislation

35 states have enacted more than 140 non-packaging EPR laws across more than 20 different product categories, including but not limited to:

- Batteries
- Motor Oil
- Carpet
- Paint
- Electronics
- Pesticides
- Gas Cylinders
- Pharmaceuticals
- Household Hazardous Waste
- Phone Books
- Junk Mail
- Radioactive Devices
- Lighting
- Refrigerant-Containing Appliances
- Mattresses
- Solar Panels
- Medical Sharps
- Textiles
- Mercury Auto Switches
- Mercury Thermostats
- Tires

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Best Practices for Compliance

Because state packaging EPR laws are relatively new and there are constant updates/amendments, branded merch companies should actively monitor legislative, regulatory, and enforcement changes in states where they operate.

It is critical to closely review EPR definitions and exceptions/exemptions in each state to determine whether your company has any EPR obligations. Entities that determine they are subject to state packaging EPR laws should verify and comply with any registration, reporting, or other applicable deadlines.

Circular Action Alliance has been selected to serve as the PRO responsible for implementing the packaging EPR laws in California, Colorado, Maryland, Minnesota, Oregon, and Washington.

Entities that determine they are subject to the state packaging EPR laws in California, Colorado, Maryland, Minnesota, Oregon, or Washington should review CAA's website for guidance/instructions on registering with and reporting to CAA.

Take advantage of publicly available guidance and information (e.g., CAA website/webinars, service provider websites/webinars, lists of registered companies, etc.), or contact CAA for assistance. However, note that CAA is not able to provide legal advice or make determinations on whether a company is subject to state packaging EPR laws.

Several registration and reporting deadlines under state packaging EPR laws have already passed, and there are several upcoming compliance deadlines. If your company has missed a registration or reporting deadline, immediately assess options for amending/correcting any deficiencies to achieve compliance as soon as possible.

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Operational Compliance Framework

Internal Governance
Companies should consider implementing a packaging EPR compliance procedure that has a designated accountable owner and a cross-functional process involving legal/compliance, sustainability, procurement, product management, finance, sales, logistics, and IT/data management. Companies should consider defining who determines the applicability of each state packaging EPR law to the companies, who collects and validates data, who submits reports, who approves fee payments, and who retains evidence.

Minimum Packaging Data Set
For each applicable product or SKU, companies should consider capturing: state of sale or distribution; packaging component; material type; material weight; units sold or distributed; supplier; manufacturer; brand/trademark owner or licensee; importer of record; recycled-content or other material attributes where required; sales channel; customer/end-user classification; and reporting period.

Supplier and Customer Information Protocol
Companies should consider using standardized questionnaires or certifications to obtain packaging composition and weight data and to document facts relevant to producer status. Companies should consider using commercial agreements to address data provision, reporting cooperation, fee allocation, record retention, and notification of material or regulatory changes. Contract terms do not replace the statutory determination of the obligated producer.

Compliance Calendar and Change Control
Companies should consider maintaining a state-by-state compliance calendar covering registration, reporting, fee, program, and material-target milestones. Companies should consider using regulatory monitoring to identify changes to statutes, regulations, agency guidance, and PRO/SO requirements; assign an owner; document the impact assessment; and update procedures and data requirements when necessary.

Audit Readiness
Companies should consider maintaining an auditable file supporting each material determination, exemption, producer classification, reported quantity, and fee calculation. Companies should consider periodically reviewing the completeness and consistency of source data and supporting records.

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Appendix A Helpful Resources

General/Circular Action Alliance

- Product Stewardship Institute – EPR Laws in the U.S.: https://productstewardship.us/epr-laws-map/
- Sustainable Packaging Coalition – Guide to EPR Proposals: https://epr.sustainablepackaging.org/
- Circular Action Alliance's Website: https://circularactionalliance.org/
- CAA – Producer Resource Center: https://circularactionalliance.org/producer-resource-center
- CAA – Producer Registration: https://circularactionalliance.org/registration
- CAA – Producer Reporting: https://circularactionalliance.org/producer-reporting
- CAA – Producer Policies: https://circularactionalliance.org/producer-policies

California – Plastic Pollution Prevention & Packaging Producer Responsibility Act (SB 54)

- Plastic Pollution Prevention and Producer Responsibility Act – SB 54: https://calrecycle.ca.gov/packaging/packaging-epr/
- SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Permanent Regulations: https://calrecycle.ca.gov/Laws/Rulemaking/SB54Regulations/
- CAA – California: https://circularactionalliance.org/california
- CAA – Covered Materials & Producer Definitions: California: https://circularactionalliance.org/s/Covered-Materials-Producer-Definitions-California-v1-Clean.pdf

Colorado – Producer Responsibility Program (HB 22-1355)

- Colorado Producer Responsibility Program: https://cdphe.colorado.gov/hm/epr-program
- Colorado Producer Responsibility Program For Recycling: https://leg.colorado.gov/bills/hb22-1355
- CAA – Colorado: https://circularactionalliance.org/colorado
- CAA – Covered Materials and Producer Definitions: Colorado and Oregon: https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/68962f2778a83b0f732683b4/1754672935735/Clean_+Final_August+2025_+Covered+Materials+%26+Producer+Definitions+%28OR%26CO%291+.pdf
- CAA – List of Companies Registered in Colorado: https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/67a0d4d6c5b4c2464a649897/1743456731209/Colorado+Registraton+List+Submission_01312025.pdf
- CAA Colorado Program Plan: https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/68642d2c76036d7fba319666/1751395630524/CAA+Colorado+Amended+Program+Plan-FINAL+SUBMITTAL.pdf

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Helpful Resources (continued)

Maine – Stewardship Program for Packaging Materials (LD 1541)

- Maine's Stewardship Program for Packaging: https://www.maine.gov/dep/waste/recycle/epr.html
- CAA – Maine: https://circularactionalliance.org/maine

Maryland – Packaging & Paper Products – Producer Responsibility Plans Act (SB 901)

- Maryland Extended Producer Responsibility – Packaging: https://mde.maryland.gov/programs/land/RMP/Pages/Extended-Producer-Responsibility-Program.aspx
- CAA – Maryland: https://circularactionalliance.org/maryland

Minnesota – Packaging Waste & Cost Reduction Act (HF 3911)

- Minnesota Extended Producer Responsibility for Packaging: https://www.pca.state.mn.us/air-water-land-climate/extended-producer-responsibility-for-packaging
- CAA – Minnesota: https://circularactionalliance.org/minnesota
- CAA – Definition of Producer: Minnesota: https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/6840a98e89d1f54eb00ee7b7/1749068174172/Minnesota+Definition+of+Covered+Materials+%26+Responsible+Producer+v2.pdf

Oregon – Plastic Pollution & Recycling Modernization Act (SB 582)

- Oregon Plastic Pollution and Recycling Modernization Act: https://www.oregon.gov/deq/recycling/pages/modernizing-oregons-recycling-system.aspx
- Implementation of Oregon's Recycling Modernization Act: https://www.oregon.gov/deq/recycling/Pages/ModImplementation.aspx
- Oregon Recycling and Waste Reduction Regulations (O.A.R. § 340-090-0600 to 340-090-0810): https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1487
- Recycling Modernization Act Updates 2026: https://www.oregon.gov/deq/rulemaking/pages/rma2026.aspx
- CAA – Oregon: https://circularactionalliance.org/oregon
- Covered Materials and Producer Definitions: Colorado and Oregon: https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/68962f2778a83b0f732683b4/1754672935735/Clean_+Final_August+2025_+Covered+Materials+%26+ Producer+Definitions+%28OR%26CO%291+.pdf
- CAA Registration List – Oregon: https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/67f5ae4d1bb06a2b31b21770/1744154190778/Oregon+Registration+List_04082025+FINAL.pdf
- CAA Oregon Program Plan: https://www.oregon.gov/deq/recycling/Documents/CAAApprovedPlan.pdf

Washington – Recycling Reform Act (SB 5284)

- Washington Recycling Reform Act: https://ecology.wa.gov/waste-toxics/reducing-recycling-waste/our-recycling-programs/recycling-reform-act
- CAA – Washington: https://circularactionalliance.org/washington
- 2027 Washington 2027 Early Fee Schedule: https://circularactionalliance.org/wa-2027-early-fees

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Appendix B Summary Chart of State Packaging EPR Laws

	CALIFORNIA	COLORADO	MAINE
Law	Plastic Pollution Prevention & Packaging Producer Responsibility Act (SB 54)	Producer Responsibility Program (HB 22-1355)	Stewardship Program for Packaging Materials (LD 1541)
Responsible Department	CalRecycle: California Department of Resources Recycling & Recovery	Colorado Department of Public Health & Environment	Maine Department of Environmental Protection
PRO/SO	Circular Action Alliance	Circular Action Alliance	TBD
Covered Materials	• Single-Use Packaging • Plastic Single-Use Food Service Ware	• Packaging Material • Paper Products	• Packaging Material
Producers	• Product manufacturers • Product brand/ trademark owners/ licensees • Distributor	• Product manufacturers • Product brand/trademark owner/licensees • Importers • Distributors • Publishers • Product packagers/ shippers (for e-commerce only)	• Product brand owners • Importers
Covered Materials Sale/Distribution Prohibitions	Producers must participate in an approved plan for implementing the state's packaging EPR law to sell, offer for sale, import or distribute covered materials in California upon the earlier of: • the approval of a plan for implementing the state's EPR law; or • January 1, 2027.	A producer shall not sell or distribute any products that use covered materials in Colorado unless the producer is participating in the state's EPR program: • by July 1, 2025; or • by January 1, 2029, as set forth in a final plan or any other plan approved for implementing this state packaging EPR law	Within one year of the state contracting with a stewardship organization, a producer may not sell, offer for sale or distribute for sale in or into Maine a product using packaging material not in compliance with the state's packaging EPR law.
Key Deadlines	• **September 5, 2025** CAA Producer Registration Deadline • **November 15, 2025** CAA Producer Reporting Deadline • **May 31, 2026** Annual Supply Report, 2026 Baseline Producer Report, Individual Source Reduction Plan, and Annual Source Reduction Report Deadline • **August 2026** Estimated Invoice Date for Pre-Program Early Fees • **January 2027** Producer Fees Begin	• **October 1, 2024** CAA Producer Registration Deadline • **July 31, 2025** CAA Producer Reporting Deadline • **January 2026** Estimated Invoice Date for 2026 Program Dues • **May 31, 2026** Annual Supply Report Deadline	• **May 2026** SO Producer Registration Deadline • Within 90 days of the selected SO making a registration mechanism available. See https://www1.maine.gov/dep/waste/recycle/epr.html • **TBD** Producer Fees Begin

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	MARYLAND	MINNESOTA	OREGON
Law	Packaging & Paper Products – Producer Responsibility Plans Act (SB 901)	Packaging Waste & Cost Reduction Act (HF 3911)	Plastic Pollution & Recycling Modernization Act (SB 582)
Responsible Department	Maryland Department of the Environment	Minnesota Pollution Control Agency	Oregon Department of Environmental Quality
PRO/SO	Circular Action Alliance	Circular Action Alliance	Circular Action Alliance
Covered Materials	• Packaging • Paper Products	• Packaging • Paper Products	• Packaging • Printing and Writing Paper • Food Serviceware
Producers	• Product manufacturers • Product brand/ trademark owners/ licensees • Importers • Distributors • Publishers • Product packagers/ shippers (for e-commerce only)	• Product manufacturers • Product brand/ trademark owner/ licensees • Importers • Distributors • Publishers • Product packagers/ shippers (for e-commerce only)	• Product manufacturers • Product brand/ trademark owner/ licensees • Importers • Distributors • Publishers • Product packagers/ shippers (for e-commerce only)
Covered Materials Sale/Distribution Prohibitions	By July 1, 2028, producers must comply with the state's EPR law to sell, offer for sale, distribute or import covered materials for use in Maryland.	• After January 1, 2029, producers must comply with the state's EPR law to introduce covered materials into Minnesota. • After January 1, 2032, producers may not introduce products using covered materials unless covered services are provided for those materials through an approved stewardship plan	On or after July 1, 2025, producers must be members of a PRO to sell, offer for sale, or distribute covered products.
Key Deadlines	• **May 31, 2026** Interim Producer Report Deadline • **July 1, 2026** CAA Producer Registration Deadline • **July 1, 2028** Producer Fees Begin • **July 1, 2029** CAA Producer Reporting Deadline	• **July 1, 2025** CAA Producer Registration Deadline • **May 31, 2026** Interim Producer Report Deadline • **TBD** CAA Producer Reporting Deadline • **TBD** Producer Fees Begin	• **March 31, 2025** CAA Producer Registration *and* Reporting Deadline • **July 1, 2025** Producer Fees Begin • **January 2026** Estimated Invoice Date for 2026 Program Fees • **May 31, 2026** Annual Supply Report Deadline

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	WASHINGTON
Law	Recycling Reform Act (SB 5284)
Responsible Department	Washington Department of Ecology
PRO/SO	Circular Action Alliance
Covered Materials	• Packaging • Paper Products
Producers	• Product manufacturers • Product brand/ trademark owners/ licensees • Importers • Distributors • Publishers • Product packagers/ shippers (for e-commerce only)
Covered Materials Sale/Distribution Prohibitions	Beginning March 1, 2029, producers must comply with the state's packaging EPR law to introduce covered materials into the state.
Key Deadlines	• **May 31, 2026** Interim Producer Report Deadline • **July 1, 2026** PRO Producer Registration Deadline • **TBD** PRO Producer Reporting Deadline • **TBD** Producer Fees Begin

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Appendix C
Relevant State Packaging EPR Definitions by State

California – Packaging EPR Definitions

"Covered material" is defined as *(A) [s]ingle-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 or (B) [p]lastic 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.* P.R.C. § 42041(e)(1).

- **"Covered material"** does not include packaging for the following products: (i) medical products and products defined as devices or prescription drugs by the Federal Food, Drug, and Cosmetic Act (FDCA); (ii) drugs used for animal medicines; (iii) products intended for or administered to animals under the FDCA, Virus-Serum-Toxin Act, or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); (iv) infant formula; (v) medical food; or (vi) oral nutritional supplements. P.R.C. § 42041(e)(2).
- **"Covered material"** also does not include the following: (i) packaging used for FIFRA products; (ii) plastic packaging containers used to contain/ship dangerous goods or hazardous materials; (iii) packaging used for hazardous or flammable products; (iv) beverage containers subject to the California Beverage Container Recycling and Litter Reduction Act; (v) packaging used for long-term protection or storage of a product that has a lifespan of not less than five years; (vi) packaging associated with products covered under California's architectural paint recovery program; (vii) covered material for which the producer demonstrates that it meets all of the following criteria: (a) the covered material is not collected through a residential recycling collection service; (b) the covered material does not undergo separation from other materials at a commingled recycling processing facility; (c) the covered material is recycled at a responsible end market; (d) until January 1, 2027, the producer annually demonstrates that the material has had a recycling rate of 65 percent for three consecutive years, and on/after January 1, 2027, the producer demonstrates to the department that the material has had a recycling rate at or over 70 percent annually, as demonstrated to the department every two years. P.R.C. § 42041(e)(2).

"Packaging" is defined as *any separable and distinct material component used for the containment, protection, handling, delivery, or presentation of goods by the producer for the user or consumer, ranging from raw materials to processed goods.* P.R.C. § 42041(s).

- **"Packaging"** includes but is not limited to the following: (1) sales packaging or primary packaging intended to provide the user/consumer the individual serving or unit of the product and most closely containing the product, food, or beverage; (2) grouped packaging or secondary packaging intended to bundle, sell in bulk, brand, or display the product; (3) transport or tertiary packaging intended to protect the product during transport; (4) packaging components and ancillary elements integrated into packaging, including ancillary elements directly hung onto or attached to a product and that perform a packaging function, except both of the following: (a) an element of the packaging or food service ware with a de minimis weight or volume, which is not an independent plastic component; and (b) a component/element that is an integral part of the product, if all components or elements of the product are intended to be consumed or disposed of together. P.R.C. § 42041(s).

"Single-use food service ware" includes *(i) [t]rays, plates, bowls, clamshells, lids, cups, utensils, stirrers, hinged or lidded containers, and straws and (ii) [w]raps or wrappers and bags used in the packaging of food offered for sale or provided to customers by food service establishments.* P.R.C. § 42041(e)(1).

"Producer" is *a person who manufactures a product that uses covered material and who owns or is the licensee of the brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in the state.* P.R.C. § 42041(w)(1).

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- If no person meets the foregoing primary definition of **"producer**,**"** then the California EPR Act secondarily defines **"producer"** as *the owner or, if the owner is not in the state, the exclusive licensee of a brand or trademark under which the product using the covered material is used in a commercial enterprise, sold, offered for sale, or distributed in the state.* P.R.C. § 42041(w)(2).
- If no person meets either of the foregoing primary or secondary definitions of **"producer**,**"** then the California EPR Act defines **"producer"** as *the person who sells, offers for sale, or distributes the product that uses the covered material in or into the state.* P.R.C. § 42041(w)(3). A **"licensee"** is *the person holding the exclusive right to use a trademark or brand in the state in connection with the manufacture, sale, or distribution of the product packaged in or made from the covered material.* P.R.C. § 42041(w)(2).

Colorado – Packaging EPR Definitions

"Covered materials" is defined as (A) packaging material, and (B) paper products. C.R.S. § 25-17-703(13)(a).

- **"Covered materials"** do not include: (i) packaging materials intended for the 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; (ii) paper products that, through their use, could become unsafe or unsanitary to handle; (iii) printed paper used to distribute financial statements, billing statements, medical documents, or other vital documents required to be provided in paper form by applicable consumer protection laws or other state or federal laws; (iv) books; (v) beverage containers subject to a returnable container deposit, if applicable; (vi) packaging material used exclusively in industrial or manufacturing processes; (vii) packaging material used to contain a product regulated as a drug, medical device, or dietary supplement by the FDA; (viii) packaging material used to contain a product that is regulated as animal biologics under the Virus-Serum-Toxin Act; (ix) packaging material used to contain a product that is regulated under FIFRA; (x) packaging material used to contain architectural paint covered under a paint stewardship program; (xi) packaging material used to contain a product that is required under state law to be sold in packaging material that meets the standards set forth in the Poison Prevention Packaging Act of 1970; (xii) packaging material used to contain a portable electronic device that has been repaired and reconditioned to be sold as a refurbished product; (xiii) paper products used for a print publication that primarily includes content derived from primary sources related to news and current events; (xiv) packaging material used to contain a product that is regulated as infant formula, medical food, or as fortified nutritional supplements; (xv) and any other material that Colorado determines by rule to not be a covered material. C.R.S. § 25-17-703(13)(b).

"Packaging material" is defined as any material 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.

- **"Packaging material"** includes products supplied to or purchased by consumers for facilitating food/beverage consumption and that are (i) ordinarily disposed of after a single or short-term use; and (ii) not designed for reuse/refill. **"Packaging material"** also includes paper, plastic, glass, metal, cartons, flexible foam, rigid packaging, or other materials or combination of these materials.
- **"Packaging material"** does not include: (i) packaging materials used solely in transportation/distribution to nonconsumers; (ii) packaging materials used solely in business-to-business transactions where a covered material is not intended to be distributed to the end consumer; (iii) packaging materials not sold or distributed to covered entities; or (iv) packaging materials used for products sold or distributed outside the state. C.R.S. § 25-17-703(25)(a).

"Paper products" is defined as *paper and other cellulosic fibers, whether or not they are used as a medium for text or images, and includes: (a) flyers; (b) brochures; (c) booklets; (d) catalogs; (e) telephone directories; (f) newspapers; (g) magazines; and (h) paper used for writing or any other purpose.* C.R.S. § 25-17-703(26).

If the product at issue is sold/distributed in the state using packaging materials under the manufacturer's own brand or is sold/distributed in the state using packaging materials that lack identification of a brand, the **"producer"** is the manufacturer of the product. C.R.S. § 25-17-703(30)(a)(I).

- If the product is manufactured by someone other than the brand owner, the **"producer"** is the licensee of a brand/trademark under which a packaged item is sold/distributed, whether or not the trademark is registered in the state. C.R.S. § 25-17-703(30)(a)(II).

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- If no person meets either of the foregoing definitions of **"producer**,**"** the **"producer"** is the importer of the product using covered materials into the U.S. for use in a commercial enterprise that sells/distributes the item in the state. C.R.S. § 25-17-703(30)(a)(III).

For products sold or distributed in the state through an internet transaction, the **"producer"** is *the (I) producer of the packaging material used to directly protect or contain the product; and (II) [f]or the purposes of packaging material used to ship a product to a customer, the person that packages or ships the product to the customer.* C.R.S. § 25-17-703(30)(b).

For the purposes of a paper product that is a magazine, newspaper, catalog, telephone directory, or similar publication, the **producer** is the publisher of the paper product. C.R.S. § 25-17-703(30)(c).

For other paper products, the **producer** is the person that manufactures the paper product under the manufacturer's own brand. C.R.S. § 25-17-703(30)(d).

- If the paper product is manufactured by a person other than the brand owner, the person that is the owner or licensee of the brand or trademark under which the paper product is used in a commercial enterprise, sold, or distributed in or into the state, whether or not the trademark is registered in the state.

For any other covered material, the person that first distributes the covered material in or into the state. C.R.S. § 25-17-703(30)(e).

Producers exempt from Colorado's Act include but are not limited to: (i) persons with less than $5 million in gross total revenue during the prior calendar year; (ii) persons that used less than one ton of covered materials for products sold/distributed during the prior calendar year; (iii) state/local government; (iv) nonprofits; and (v) agricultural employers with less than $5 million dollars in gross total revenue in the state from sale of agricultural products. C.R.S. § 25-17-713.

Maine – Packaging EPR Definitions

"Packaging material" is defined as a discrete type of material used to contain, protect, deliver, present, or distribute a product at the time that the product leaves a point of sale with or is received by the consumer of the product.

"Packaging material" does not include: (1) materials intended for the long-term storage or protection of a durable product and that can be expected to be usable for that purpose for a period of at least 5 years; (2) beverage containers; (3) certain containers for architectural paint; and (4) materials excluded by Maine by rule. 38 M.R.S. § 2146(1)(I).

A **"producer"** is: *(1) For a product contained, protected, delivered, presented or distributed in or using packaging material and sold or offered for sale at a physical retail location in the State: (a) [t]he person that manufactured the product if the product is sold or offered for sale in the State under the manufacturer's brand or the packaging material does not identify the brand; (b) [i]f there is no person to which division (a) applies, the person that is licensed to manufacture and sell or offer the product for sale to consumers in the State under the brand or trademark of another manufacturer or person; (c) [i there is no person to which division (a) or (b) applies, the person that has legal ownership of the brand of the product; (d) If there is no person to which divisions (a) to (c) apply that has a physical presence in the United States, the person that is the importer of record into the United States for the product for use in a commercial enterprise and that sells, offers for sale or distributes the product for sale in or into the State; or (e) If there is no person to which divisions (a) to (d) apply, the person that first distributes the product for sale in or into the State;*
(2) For a product contained, protected, delivered, presented or distributed in or using packaging material and sold, offered for sale or distributed for sale in the State through an Internet-based or remote sales transaction and not at a physical retail location in the State: (a) With respect to the packaging material that is used to directly contain or protect the product, a person identified pursuant to subparagraph (1), divisions (a) to (e); and (b) With respect to the packaging material that is not used to directly contain or protect the product, a person that packages the item for delivery, presentation or distribution to the consumer; or
(3) For a product contained, protected, delivered, presented or distributed in or using packaging material and sold, offered for sale or distributed for sale in the State in a manner not described in subparagraph (1) or (2), the person that first distributes the product for sale in or into the State. 38 M.R.S. § 2146(1)(O).

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A **"producer"** includes low-volume producers and franchisors of a franchise located in the state but does not include the franchisee operating that franchise. A **"producer"** also does not include a nonprofit organization exempt from taxation. 38 M.R.S. § 2146(1)(O).

Producers exempt from Maine's Program include but are not limited to: (i) producers with less than $2 million in total gross revenue during the prior calendar year, except that, beginning one year after the contract between the state and the stewardship organization and ending three years after that effective date, producers realizing less than $5 million in total gross revenue during the prior calendar year are exempt. 38 M.R.S. § 2146(2).

Minnesota – Packaging EPR Definitions

"Covered material" is defined as *packaging and paper products introduced.* M.S. § 115A.1441(10).

- **"Covered material"** does not include: materials that are: (1) packaging for infant formula; (2) packaging for medical food; (3) packaging for a fortified oral nutritional supplement; (4) packaging for a product regulated as a drug or medical device by the United States Food and Drug Administration (FDA); (5) packaging for medical equipment or product used in medical settings that is regulated by the FDA; (6) drugs for animals regulated by the FDA or the United States Department of Agriculture (USDA); (7) packaging for FIFRA products; (8) packaging used to contain liquefied petroleum gas and are designed to be refilled; (9) paper products used for a newspaper's print publications; (10) paper products used for a magazine's print publication that has a circulation of less than 95,000 and that primarily includes content derived from primary sources related to news and current events; (11) packaging used to contain hazardous or flammable products regulated by the Occupational Safety and Health Administration Hazard Communication Standard; (12) packaging that is being collected and properly managed through a paint stewardship plan; (13) exempt materials, as determined by the commissioner; or (14) are covered materials that: (i) a producer distributes to another producer; (ii) are subsequently used to contain a product, and the product is distributed to a commercial or business entity for the production of another product; and (iii) are not introduced to a person other than the commercial or business entity that first received the product used for the production of another product. M.S. § 115A.1441(16).

"Packaging" is defined as a container and any appurtenant material that provide a means of transporting, marketing, protecting, or handling a product, including pallets and packing such as blocking, bracing, cushioning, weatherproofing, strapping, coatings, closures, inks, dyes, pigments, and labels. M.S. § 115A.03(22)(b); M.S. § 115A.1441(23).

"Paper product" is defined as a product made primarily from wood pulp or other cellulosic fibers but does not include bound books or products that recycling or composting facilities will not accept because of the unsafe or unsanitary nature of the paper product. M.S. § 115A.1441(24).

"Producer" includes the following entities: (i) the manufacturer; (ii) the person licensed to manufacture and sell or offer for sale an item with packaging under the brand/trademark of another manufacturer or person; (iii) the brand owner of the item; (iv) the importer of record; (v) the first person to distribute the item in the state; or (vi) the person that packages the item to be shipped. M.S. § 115A.1441(26). Depending on the nature of the transaction (e.g., physical retail vs. e-commerce), Minnesota applies different definitions, as described below.

- *For items sold in or with packaging at a physical retail location in Minnesota: (i) if the item is sold in or with packaging under the brand of the item manufacturer or is sold in packaging that lacks identification of a brand, the producer is the person that manufactures the item; (ii) if there is no person to which item (i) applies, the producer is the person that is licensed to manufacture and sell or offer for sale to consumers in this state an item with packaging under the brand or trademark of another manufacturer or person; (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner of the item; (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the producer is the person who is the importer of record for the item into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the item in this state; or (v) if there is no person described in items (i) to (iv), the producer is the person that first distributes the item in or into this state.* M.S. § 115A.1441(26)(1).
- *For items sold or distributed in packaging in or into Minnesota via e-commerce, remote sale, or distribution: (i) for packaging used to directly protect or contain the item, the producer of the packaging*

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is the same as the producer identified under clause (1); and (ii) for packaging used to ship the item to a consumer, the producer of the packaging is the person that packages the item to be shipped to the consumer. For packaging that is covered material and not included in the foregoing, the producer is the person that first distributes the item in or into Minnesota. M.S. § 115A.1441(26)(2)-(3).

- *For paper products that are magazines, catalogs, telephone directories, or similar publications, the producer is the publisher. Otherwise, (i) if the paper product is sold under the manufacturer's own brand, the producer is the person that manufactures the paper product; (ii) if there is no person to which item (i) applies, the producer is the person that is the owner or licensee of a brand or trademark under which the paper product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state; (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner of the paper product; (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the producer is the person that imports the paper product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the paper product in this state; or (v) if there is no person described in items (i) to (iv), the producer is the person that first distributes the paper product in or into this state.* M.S. § 115A.1441(26)(4)-(5).

"Producer" does not include: (i) a state, federal/state agency, political subdivision, or governmental unit; (ii) a registered charitable or social welfare organization; (iii) a de minimis producer; (iv) a mill using virgin wood fiber in the products it produces; or (v) a paper mill that produces container board derived from 100% postconsumer recycled content and nonpostconsumer recycled content. Additionally, a "producer does not include: (i) where another person has mutually signed an agreement with a producer...that contractually assigns responsibility to the person as the producer, and the person has joined a registered producer responsibility organization as the responsible producer for that covered material under this act. In the event that another person is assigned responsibility as the producer under this subdivision, the producer...must provide written certification of that contractual agreement to the producer responsibility organization; and (ii) if the producer...is a business operated wholly or in part as a franchise, the producer is the franchisor if that franchisor has franchisees that have a commercial presence within the state." M.S. § 115A.1441(26).

Maryland – Packaging EPR Definitions

"Covered materials" means *packaging and paper products sold, offered for sale, imported, or distributed in the State.* M.C. § 9-2501(g)(1).

- **"Covered materials"** does not include "exempt materials." M.C. § 9-2501(g)(2).
- **"Exempt Materials"** means: (1) packaging for infant formula; (2) packaging for medical food; (3) packaging for certain nutritional supplements; (4) packaging for a product regulated as a drug or medical device by the U.S. Food and Drug Administration; (5) packaging for medical equipment or a product used in medical settings that is regulated by the U.S. Food and Drug Administration; (6) certain drugs, biological products, parasiticides, medical devices, or in vitro diagnostics for animals; (7) packaging for products regulated by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act; (8) packaging used to contain liquefied petroleum gas and designed to be refilled; (9) certain newsprint; (10) a paper product used in a certain magazine's print publication; (11) packaging used to contain hazardous or flammable products; (12) packaging for products subject to Maryland's Paint Stewardship Program; (13) material that a producer distributes to another producer that is: *(i) [s]ubsequently used to contain a product, and the product is distributed to a commercial business or entity, and (ii) [n]ot introduced to a person other than the commercial or business entity that first received the product; and (14) packaging used for the long-term protection or storage of a product that has a lifespan of not less than 5 years.* M.C. § 9-2501(l).

"Packaging" is *a material, a substance, or an object that is used to protect, contain, transport, serve, or facilitate the delivery of a product that is sold or supplied with the product to the consumer for personal, noncommercial use and that is sold, offered for sale, imported, or distributed in the State.* M.C. § 9-2501(n)(1).

- **"Packaging materials"** includes: (i) packaging intended for the consumer market; (ii) service packaging designed and intended to be filled at the point of sale; and (iii) beverage containers. M.C. § 9-2501(n)(2).
- **"Paper products"** are *products made primarily from wood pulp or other cellulosic fibers*. M.C. § 9-2501(o)(1).

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"Paper products" does not include: (i) bound books; or (ii) *products that are not accepted by materials recycling facilities or composting facilities because of the unsafe or unsanitary nature of the products.* M.C. § 9-2501(o)(2).

For items sold in or with packaging at a physical retail location in the State, if the item is sold in or with packaging under the brand of the item manufacturer or is sold in packaging without brand identification, the **producer** is the item manufacturer;

- If there is no person described above, the **producer** is the person that is licensed to manufacture and sell or offer for sale to consumers in the State an item with packaging under the brand or trademark of another manufacturer or person;
- If there is no person described above, the **producer** is the brand owner of the item;
- If there is no person described above, the **producer** is the person that imports the product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the item in the State; or
- If there is no person described above, the **producer** is the person that first distributes the item in or into the State;

For items sold or distributed in packaging in or into the State via e-commerce, remote sale, or online distribution, for packaging used directly to protect or contain the item, the **producer** of the packaging is a producer under item (i) of this paragraph; and

- For packaging used to ship the item to a consumer, the **producer** of the packaging is the person that packages the item to be shipped to the consumer;
- For packaging that is not described above, the **producer** of the packaging is the person that first distributes the item in or into the State. M.C. § 9-2501(p)(1).

For paper products that are magazines, catalogs, telephone directories, or similar publications, the **producer** is the publisher. M.C. § 9-2501(p)(1).

For all other paper products, if the paper product is sold under the manufacturer's own brand, the **producer** is the person that manufactures the paper product;

- If there is no person described above, the **producer** is the person that is the owner or licensee of a brand or trademark under which the paper product is used in a commercial enterprise, sold, offered for sale, or distributed in the State, whether or not the trademark is registered in the State;
- If there is no person described above, the **producer** is the brand owner of the paper product; or
- If there is no person described above, the **producer** is the person that imports the paper product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the paper product in the State. M.C. § 9-2501(p)(1).

"Producer" does not include: (i) [a] state, federal or state agency, a political subdivision, or other governmental unit; (ii) [a] registered 501(c)(3) charitable organization or 501(c)(4) social welfare organization; (iii) [a] de minimis producer; (iv) [a] mill that uses any virgin wood fiber in the products it produces; (v) [a] paper mill that produces container board derived from 100% postconsumer recycled content and nonpostconsumer recycled content; (vi) [a]n entity that owns or operates a restaurant, food cart, or similar establishment that: 1. Is headquartered in the State, 2. Primarily sells to members of the public food that is generally intended to be consumed immediately and without the need for further preparation, either on or off the premises; and, 3. Is not a producer of food serviceware; (vii) [a]n entity that owns or operates a single retail sales establishment that: 1. Has no online sales; and 2. Is not supplied or operated as part of a franchise or a chain; (viii) An entity that: 1. Is licensed under Title 2 of the Alcoholic Beverages and Cannabis Article; and 2. Generated less than $10,000,000 in gross revenue during the immediately preceding calendar year; or (ix) A producer under paragraph (1) of this subsection that has executed an agreement with another entity, under which the other entity has agreed to assume responsibility by written certification under a producer responsibility program for any packaging materials attributable to the first entity. M.C. § 9-2501(p)(2).

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Oregon – Packaging EPR Definitions

"Covered product" is defined as: (A) packaging; (B) printing and writing paper; and (C) food serviceware. O.S. § 459A.863

- **"Covered product"** does not include: (A) beverage containers; (B) books; (C) paper intended to be used for cleaning or the absorption of liquids, such as napkins or paper towels; (D) rigid pallets used as the structural foundation for transporting goods lifted by a forklift, pallet jack or similar device; (E) specialty packaging items used exclusively in industrial or manufacturing processes; (F) liquefied petroleum gas containers that are designed to be refilled; (G) material that the producer demonstrates: (i) is collected through a recycling collection service not provided under the opportunity to recycle; (ii) does not undergo separation from other materials at a commingled recycling processing facility; and (iii) is recycled at a responsible end market; (H) pallet wrap or similar packaging used to secure a palletized load if added by a person that is not the producer of the palletized covered products; (I) packaging related to containers for architectural paint that has been collected by a producer responsibility organization; (J) any item not ultimately discarded inside this state, whether for purposes of recovery or disposal; (K) items sold on a farm or used on a farm; (L) items used by a nursery licensed that generates the majority of the nursery's revenue through the sale of nursery stock; (M) packaging and paper products sold or supplied in connection with certain drugs; (N) certain packaging and paper products sold or supplied in connection with drugs used for animal medicine; (O) packaging and paper products sold or supplied in connection with: (i) infant formula; (ii) medical food; (iii) or fortified oral nutritional supplements; (P) wine and spirit containers for which a refund value is established under Oregon law; (Q) packaging for products: (i) required under a federal regulation pertaining to toxic or hazardous materials to state on the label or container that the packaging should not be recycled or should be disposed of in a manner other than recycling; or (ii) identified by the commission by rule as a product that is required by law to state on the label or container that the packaging should not be recycled or should be disposed of in a manner other than recycling; and (R) any other material Oregon exempts by rule. O.S. § 459A.863.

"Packaging" is defined as (A) materials used for the containment or protection of products, such as paper, plastic, glass or metal or a mixture thereof; (B) single-use bags, such as shopping bags; and (C) nondurable materials used in storage, shipping or moving, such as packing materials, moving boxes, file boxes and folders. O.S. § 459A.863(18).

- **"Packaging"** does not include food serviceware or sharps. O.S. § 459A.863(18).

"Food serviceware" is defined as *certain paper or plastic plates, w*raps, cups, bowls, pizza boxes, cutlery, straws, lids, bags, aluminum foil or clamshells or similar containers. O.S. § 459A.863(7).

"Sharps" are items such as needles, scalpels, or glass tubes. O.S. § 459.386(6).

"Printing and writing paper" includes but is not limited to *newspaper, magazines, flyers, brochures, booklets, catalogs, telephone directories and paper used for copying, writing or other general use.* O.S. § 459A.863(20).

"Producer" includes: (i) the manufacturer; (ii) the licensee of a brand/trademark under which a packaged item is used in commercial enterprise, sold, offered for sale or distributed; (iii) the person who imports the packaged item; (iv) the person that ships the packaged item; or (v) the person that first distributes the packaged item. O.S. § 459A.866. Depending on the nature of the transaction (e.g., physical retail vs. e-commerce), Oregon applies different definitions, as described below.

- For items sold in packaging at a physical retail location in Oregon: *(A) If the item is sold in packaging under the manufacturer's own brand or is sold in packaging that lacks identification of a brand, the producer of the packaging is the person that manufactures the packaged item; (B) If the item is manufactured by a person other than the brand owner, the producer of the packaging is the person that is the licensee of a brand or trademark under which a packaged item is used in a commercial enterprise, sold, offered for sale or distributed in or into this state, whether or not the trademark is registered in this state; or (C) If there is no person described in subparagraphs (A) and (B) of this paragraph within the United States, the producer of the packaging is the person that imports the packaged item into the United States for use in a commercial enterprise that sells, offers for sale or distributes the item in this state.* O.S. § 459A.866(1)(a).

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- For items sold or distributed in packaging in Oregon via remote sale or distribution: *(A) The producer of packaging used to directly protect or contain the item is the same as the producer for purposes of paragraph (a) of this subsection[;] (B) The producer of packaging used to ship the item to a consumer is the person that packages and ships the item to the consumer.* O.S. § 459A.866(1)(b).
- For all other packaging that is a covered product, the producer is the person that first distributes the packaged item in Oregon. O.S. § 459A.866(1)(c).
- For printing and writing paper that are magazines, newspapers, catalogs, telephone directories or similar publications, the producer is the publisher. Otherwise, the producer is: *(A) The person that manufactures the printing and writing paper under the manufacturer's own brand; (B) If the printing and writing paper is manufactured by a person other than the brand owner, the person that is the owner or licensee of a brand or trademark under which the printing and writing paper is used in a commercial enterprise, sold, offered for sale or distributed in or into this state, whether or not the trademark is registered in this state; or (C) If there is no person described in subparagraphs (A) and (B) of this paragraph within the United States, the person that imports the printing and writing paper into the United States for use in a commercial enterprise that sells, offers for sale or distributes the printing and writing paper in this state. The producer of food serviceware is the person that first sells such in Oregon.* O.S. § 459A.866(2)(a), (3).

"Producers" exempt from Oregon's Act include small producers or producers that the Environmental Quality Commission may exempt based on its market share of covered products. O.S. § 459A.872.

"Small producers" include but are not limited to: (i) nonprofits; (ii) public bodies; (iii) organizations with less than $5 million in gross revenue in their most recent fiscal year; and (iv) producers who sold less than one metric ton of covered products in the state in the most recent calendar year. O.S. § 459A.863(32).

Washington – Packaging EPR Definitions

"Covered material" means packaging and paper products introduced into the state. R.C.W. § 70A.208.020(13)(a).

- **"Covered material"** does not include "exempt material." R.C.W. § 70A.208.020(13)(b).
- **"Exempt Material"** includes: (a) packaging for infant formula; (b) packaging for medical food; (c) packaging for certain nutritional supplements; (d) packaging for a product regulated as a drug, medical device, or dietary supplement by the United States Food and Drug Administration, (e) packaging for a medical equipment or product used in medical settings that is regulated by the United States food and drug administration; (f) packaging for drugs, biological products, parasiticides, medical devices, or in vitro diagnostics for animals; (g) Noncompostable film plastic packaging used in direct contact with raw meat; (h) packaging for products regulated by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act; (i) packaging used to contain liquefied petroleum gas and is designed to be refilled; (j) certain packaging used to contain hazardous or flammable products; (k) packaging that is associated with products managed through a state-approved paint stewardship plan; (l) excluded materials, as determined by the state; (m) packaging used to protect or store a durable product for a period of at least five years; (n) packaging used for bulk construction materials; (o) Covered materials that: (i) A producer distributes to another producer; (ii) Are subsequently used to contain a product and the product is distributed to a commercial or business entity for the production of another product; and (iii) Are not introduced to a person other than the commercial or business entity that first received the product used for the production of another product; and (p) Covered materials for which the producer demonstrates to the department that the covered material meets all of the following criteria: (i) The material is not collected through a residential recycling collection service; (ii) The material is recycled at a responsible market; (iii) The material is intended to be used and collected within a commercial setting; (iv)(A) The producer annually demonstrates to the department that the material has had a state recycling rate of 65 percent for three consecutive years, until December 31, 2029. Beginning January 1, 2030, the producer must demonstrate to the department every two years that the material has had a state recycling rate of at least 70 percent annually; or (B) The producer annually demonstrates to the department that the material is directly managed by the producer and has had a reuse or recycling rate of 65 percent for three consecutive years, until December 31, 2029. Beginning January 1, 2030, the producer must demonstrate to the

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department every two years that the material controlled by the producer has had a reuse or recycling rate of at least 70 percent annually; and (v) If only a portion of the material sold in or into the state by a producer meets the criteria of (p)(i) of this subsection, only the portion of the material that meets that criteria is an exempt material and any portion that does not meet the criteria is a covered material for purposes of this chapter. R.C.W. § 70A.208.020(19).

"Packaging" means a material, substance, or object that is used to protect, contain, transport, serve, or facilitate delivery of a product and is sold or supplied with the product to the consumer for personal, noncommercial use. WR.C.W. § 70A.208.020(25)(A).

- **"Packaging**" does not include "exempt material." R.C.W. § 70A.208.020(25)(B).

"Paper product" means paper sold or supplied to a consumer for personal, noncommercial use, including flyers, brochures, booklets, catalogs, magazines, printed paper, and all other paper materials except for: (a) Bound books; (b) conservation-grade and archival-grade paper; (c) newspapers, including supplements or enclosures; (d) magazines that have a circulation of fewer than 95,000 and that include content derived from primary sources related to news and current events; (e) copy paper; (f) paper for use in building construction; and (g) paper that could reasonably be anticipated to become unsafe or unsanitary to handle. R.C.W. § 70A.208.020(26).

For items sold in or with packaging at a physical retail location in this state:

- If the item is sold in or with packaging under the brand of the item manufacturer or is sold in packaging that lacks identification of a brand, the **producer** is the person that manufactures the item;
- If there is no person described above, the **producer** is the person that is licensed to manufacture and sell or offer for sale to consumers in this state an item with packaging under the brand or trademark of another manufacturer or person;
- If there is no person described above, the **producer** is the brand owner of the item;
- If there is no person described above, the **producer** is the person who is the importer of record for the item into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the item in this state; or
- If there is no person described above, the **producer** is the person that first distributes the item in or into this state. R.C.W. § 70A.208.020(29)(a).

For items sold or distributed in packaging in or into this state via e-commerce, remote sale, or distribution:

- (A) For packaging used to directly protect or contain the item, the **producer** of the packaging is the same as the producer identified under (a)(i) of this subsection; and
- (B) For packaging used to ship the item to a consumer, the **producer** of the packaging is the person that packages the item to be shipped to the consumer. R.C.W. § 70A.208.020(29)(a).

For packaging that is a covered material and is not included above, the **producer** of the packaging is the person that first distributes the item in or into this state. R.C.W. § 70A.208.020(29)(a).

For paper products that are magazines, catalogs, telephone directories, or similar publications, the **producer** is the publisher. R.C.W. § 70A.208.020(29)(a).

For paper products not described above: If the paper product is sold under the manufacturer's own brand, the **producer** is the person that manufactures the paper product;

- If there is no person described above, the **producer** is the person that is the owner or licensee of a brand or trademark under which the paper product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;
- If there is no person described above, the **producer** is the brand owner of the paper product;
- If there is no person described above, the **producer** is the person that imports the paper product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the paper product in this state; or
- If there is no person described above, the **producer** is the person that first distributes the paper product in or into this state. R.C.W. § 70A.208.020(29)(a).

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A person is the **"producer"** of a covered material sold, offered for sale, or distributed in or into this state, except:

- Where another person has mutually signed an agreement with a **producer** that contractually assigns responsibility to the person as the producer, and the person has joined a registered producer responsibility organization as the responsible producer for that covered material under this chapter. If another person is assigned responsibility as the producer under this subsection, the **producer** must provide written certification of that contractual agreement to the producer responsibility organization. The following persons are not eligible to be the assigned recipient of responsibility as a producer under this subsection: (I) A person who produces an agricultural commodity introduced under the brand or trademark of another manufacturer or person; or (II) a distributor of a beverage sold in a beverage container; and
- (B) If the **producer i**s a business operated wholly or in part as a franchise, the producer is the franchisor, if that franchisor has franchisees that have a commercial presence within the state. R.C.W. § 70A.208.020(29)(a).

"Producer" does not include: (i) Government entities; (ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; or (iii) de minimis producers. R.C.W. § 70A.208.020(29)(a).

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