Corporate Sustainability Update

August 2025

The End of Throwaway Culture? Extended Producer Responsibility Takes Hold in the United States

Companies in the consumer goods or manufacturing sectors should be aware of several state laws that now impose liability on producers for packaging waste. Extended producer responsibility (EPR) is an environmental policy approach that holds brand owners, importers, and distributors accountable for the entire life cycle of their products, particularly the recycling and final disposal stages. Ultimately, the end policy goal is to encourage manufacturers to design products that are easier to reuse, recycle, or dispose of in a more environmentally friendly manner. Under a growing number of state EPR laws, producers are required to finance the systems needed to collect and process their products once they become waste. EPR will shift the burden of managing post-consumer products from municipalities and taxpayers to the producers themselves, freeing up municipal resources for other services or potentially lowering local taxes and fees.

Unlike other countries, the United States has a patchwork of state-level EPR laws, which typically target specific product categories that pose environmental risks. These laws have been passed in states such as California, Colorado, Connecticut, Oregon, Maine, Minnesota, Washington, Vermont, Illinois, and New Jersey, and generally require the establishment of producer responsibility organizations (PROs) to manage recycling programs and ensure compliance with EPR regulations.

The products most commonly covered by EPR laws in the U.S. include:

- **Electronics**: As of 2025, California, Connecticut, Hawaii, Illinois, Indiana, Maine, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington, Wisconsin, and the District of Columbia have enacted EPR laws for electronics. These laws generally require producers to register with the state, report the quantities of devices sold and recycled annually, and finance or directly manage the collection, recycling, and proper disposal of discarded electronic devices.
- **Batteries**: As of 2025, California, Colorado, Connecticut, Florida, Illinois, Iowa, Maine, Maryland, Minnesota, Nebraska, New Jersey, New York, Vermont, and Washington have enacted EPR laws for single-use, rechargeable, embedded, automotive, and industrial batteries. These laws require producers to annually report on the quantities of lithium-ion, alkaline, and zinc-carbon batteries sold, collected, and recycled.
- **Paint**: As of 2025, California, Colorado, Connecticut, Illinois, Maine, Maryland, Minnesota, New York, Oregon, Rhode Island, Vermont, and Washington have enacted EPR laws that require paint producers to register, fund, and manage the collection and recycling of leftover paint, submit stewardship plans and annual reports, and pay fees to support the program.
- **Mercury-containing products:** As of 2025, Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, and Virginia have enacted EPR laws for mercury-containing products, such as thermostats and auto switches. These laws require states to collect and report data on the collection, recycling, and disposal of mercury-containing products, and may require producers to submit annual reports on program performance.

- **Packaging and paper products:** As of 2025, California, Colorado, Maine, Maryland, Minnesota, Oregon, and Washington have enacted EPR laws for packaging and paper products, such as bottles, bags, and single-use packaging. These laws require producers to join and pay fees to a PRO based on the amount and type of packaging they introduce into the market.
- **Tires:** As of 2025, Connecticut has enacted an EPR law that requires tire producers to annually report on the number of tires sold, collected, and recycled, and to finance and manage the collection and recycling of scrap tires.

Joining and Participating in a PRO

Current EPR laws require producers to join a stewardship organization or PRO or create their own compliance plan, depending on the state. Joining a PRO typically simplifies compliance, as it will centralize state requirements and potentially reduce corporate risk exposure. Several states, including California, Colorado, and Maryland, have chosen the Circular Action Alliance (CAA) to be the PRO in those states. To participate, a business must identify as a producer, join the relevant organization, register in applicable states, report required packaging data, and pay necessary fees. A business should first perform a baseline assessment to determine whether it is a "producer" under the applicable laws by determining whether its packaging meets the law's requirements and whether it satisfies the law's definition of producer. The business should also determine whether it satisfies any of the applicable exemptions. For example, most states have exemptions for prescription drug packaging and for producers with less than $2 million in annual gross revenue. Further, EPR producer fees are mandatory payments that producers must make to support the management, collection, recycling, and disposal of their products at end of life. These fees are typically paid to a PRO or directly to the state, depending on the specific EPR program requirements. The purpose of these fees is to shift the financial responsibility for post-consumer waste management from municipalities and taxpayers to the producers of the products and packaging. While calculation of these fees may vary by state, the methodology for calculating EPR fees is generally based upon quantity, types of packaging materials sold, and the recyclability of the packaging.

Compliance Challenges Lie Ahead

The absence of a national EPR framework in the U.S. invariably creates significant compliance challenges for producers operating in multiple states, including:

- *Inconsistent definitions and requirements*. Each state can choose its own definitions for key terms such as "producer," "covered products," and "recyclable." A product or packaging may be exempt in one state but regulated in another.
- *Varied fee structures and reporting obligations*. Several states may have an EPR law on the same material as packaging, but each individual state will create its own method to calculate producer fees, reporting, and data requirements. Also, timelines for registration, reporting, and payment of fees can vary widely as well.
- *PROs*. Some states offer a selection from multiple PROs, while others designate a single stewardship organization like the CAA.
- *Source reduction targets*. Somes states, like California and Washington, have set source reduction targets or minimum post-consumer recycled content percentage requirements. Other states have not established such targets or left it to the PRO to decide.

To comply with EPR laws, producers should assess their products and packaging to determine coverage and obligations under each state's requirements, monitor evolving state regulations, and register with the appropriate PRO or develop an individual compliance plan. Companies must collect and report detailed data on packaging and product volumes, pay required fees, and implement internal systems for accurate tracking and timely reporting. Where feasible, switching to more sustainable, recyclable packaging can reduce compliance costs and support long-term sustainability goals. Ultimately, it will prove difficult and impractical for most producers to eliminate plastic content entirely from their consumer products.

EPR laws are likely to further expand across the country soon. We will continue to closely track developments, upcoming deadlines, and business implications arising from these legal requirements to help our clients navigate this emerging landscape.

The chart on the following pages is intended to provide a snapshot of current EPR laws around the United States.

State	Statute	Covered Products	Key Upcoming Deadlines for Businesses	Penalties
California	SB 54	Packaging & Plastic Food Service Waste	California producers must submit their first report by August 1, 2025, with information and data for 2025 year to date.	Civil penalties up to $50,000 per violation/day.
Colorado	HB 22-1355	Packaging & Paper	Colorado producers must submit initial reporting in August 2025, with information and data for 2025 year to date.	For a first violation, the penalty is $5,000 for the first day and $1,500 for each additional day the violation continues; for a second violation within 12 months, the penalty increases to $10,000 for the first day and $3,000 per subsequent day; and for a third or subsequent violation within 12 months, the penalty is $20,000 for the first day and $6,000 for each additional day the violation continues.
Maine	LD 1541	Packaging	Participant producers must join and report data to the approved SO in May 2026. (Note: A producer may choose to comply with LD 1541 as an individual company, provided the individual company provides for the management of its material.)	N/A
Maryland	SB 901	Packaging & Paper	July 1, 2027: The department will develop a statewide list of recyclable or compostable packaging materials. July 1, 2028: A PRO is required to submit a program plan. No action is required from producers. July 1, 2029: Producers must begin submitting annual progress reports and adhere to performance goals and compliance standards. Every five years (starting July 1, 2028): Producers are required to update and resubmit their producer responsibility plans. By adhering to these actions and timelines, producers can ensure compliance with regulation objectives, foster sustainable packaging practices, and actively contribute to a circular economy.	A producer or PRO that violates this subtitle is subject to: First violation: An administrative penalty of $5,000 Second violation: An administrative penalty of $10,000 Third or subsequent violation: A civil penalty of $20,000 A penalty may not be imposed on a producer under this section unless the department first issues a written notice of violation to the producer and the violation is not corrected within 60 days after receipt of the written notice.

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Minnesota	HF 3911	Packaging & Paper	The PRO must register with the commissioner by July 1, 2026 and each January 1 thereafter. The PRO must submit a stewardship plan to the commissioner by October 1, 2028 and every five years thereafter. After January 1, 2029, no producer may introduce covered materials, either separately or when used to package another product, unless the producer enters into a written agreement with a PRO to operate under an approved stewardship plan.	A person who violates or fails to perform a duty is liable for a civil penalty not to exceed $25,000 per day of violation. A PRO or producer that violates a provision of or fails to perform a duty is liable for a civil penalty not to exceed $25,000 per day of violation. For a second violation occurring within five years after the approval of a stewardship plan, a PRO or producer is liable for a civil penalty not to exceed $50,000 per day of violation. For a third or subsequent violation occurring within five years after the approval of a stewardship plan, a PRO or producer is liable for a civil penalty not to exceed $100,000 per day of violation.
Oregon	SB 582	Packaging, Paper Products & Food Service Ware	July 1, 2025: Fees based on quantity and weight of covered products sold in Oregon are currently due.	Civil penalty of up to $25,000 for each violation of its provisions.
Washington	SB 5284	Packaging, Paper Products & Beverage Containers	January 1, 2026: Each producer must appoint a PRO or PROs to address its covered materials. March 1, 2026, and annually thereafter: A PRO must register with the department on behalf of its producers. After July 1, 2026: a producer must be a member of a PRO registered in this state or register as a PRO that will implement an individual plan. By September 1, 2026: A PRO must submit a one-time payment to the department, and each May 1 thereafter, a PRO must submit an annual registration fee to fund all costs of the department to implement, administer, and enforce this chapter, including the costs of the department of labor and industries to implement and enforce. By October 1, 2028, and every five years thereafter: Each registered PRO must submit a plan to the department for approval.	Penalties of twice the value of the covered materials sold in violation or $500 (whichever is greater) may be assessed and may impose up to $1,000 per violation per day (up to $10,000 per day for second and subsequent violations) on any producer or PRO that violates this chapter.

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Vermont	10 V.S.A. § 7581	Batteries	NOTE: *January 1, 2026 – (10 V.S.A. 7581(11)) Definition of primary battery expanded: The definition of primary battery will now expand to include non-rechargeable batteries weighing 25 pounds or less.	Exact monetary penalties not specified.
Washington	SB 5144	Batteries	July 1, 2027: Retailers will only be permitted to sell covered batteries or covered battery-containing products if the producer is on a state-approved list, which verifies that the producer participates in a Battery Stewardship organization. Beginning in 2028: Large format batteries, covered batteries, or battery-containing products must be marked to identify the producer. Beginning in 2030: Producers must label batteries to identify the battery chemistry and indicate that the battery should not be disposed of as household waste.	Exact monetary penalties not specified.
New Jersey	S 3723	Batteries	January 8, 2026: Producers will be required to annually report to the NJ DEP the number of covered batteries they sell, offer for sale, or distribute in or into New Jersey. January 1, 2027: Covered batteries sold in New Jersey must include a permanent label providing information to be specified through program regulations. January 8, 2027: Battery collection and disposal restrictions take effect, including a ban on unauthorized disposal of covered batteries as solid waste. Finally, producers must create and submit management plans to the NJ DEP 180 days after it adopts program regulations.	A person who violates the Solid Waste Management Act may be assessed a civil administrative penalty of up to $50,000 for each violation.

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Illinois	SB3686	Batteries	By July 1, 2025, battery stewardship organizations must submit battery stewardship plans for approval. By January 1, 2026, producers must participate in a battery stewardship plan. After January 1, 2026, producers are not allowed to sell products if not members of the battery stewardship organizations. After July 1, 2026, retailers are not allowed to sell products of noncompliant producers. By January 1, 2027, producer identification label mandatory. By January 1, 2029, proper collection and recycling labels mandatory.	Any person who violates any provision of this act is liable for a civil penalty of $7,000 per violation, except that the failure to pay a fee under this act shall cause the person who fails to pay the fee to be liable for a civil penalty that is double the applicable fee.
Connecticut	HB05019	Batteries	January 1, 2027: Battery producers must notify the Connecticut Department of Energy and Environmental Protection whether they will join a battery stewardship organization individually or jointly.	Producers that fail to comply with the requirements of HB 5019—specifically, those that do not join a state-approved battery stewardship organization or do not participate in an approved stewardship plan—are prohibited from selling batteries in Connecticut after January 1, 2027.
Connecticut	HB 6486	Tires	On or before January 1, 2025, each producer, or such producer's designee, shall join a tire stewardship organization and such organization shall submit a plan, for the Commissioner of Energy and Environmental Protection's approval.	Exact monetary penalties not specified.

FOR MORE INFORMATION

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