

EPR PACKAGING & PENALTIES UPDATES

Businesses placing products and packaged goods on the EU and US markets are facing multiple regulatory hurdles. Here's what you need to know on the latest developments.

OREGON EPR LAWSUIT

A federal judge has upheld the constitutionality of Oregon's Recycling Modernization Act (RMA) in response to a lawsuit filed by the National Association of Wholesaler-Distributors (NAW). This means that the RMA fully applies to all packaging producers, including NAW members. The ruling will also likely be referenced in similar lawsuits challenging EPR regulations in other states.

Oregon SB 582

- Packaging/paper producers must register with the Circular Action Alliance (CAA) and submit packaging component data.
- Oregon's DEQ is actively enforcing compliance through public online identification and potentially daily fines up to \$25,000 per violation.

California SB 54

- Producers must register and submit packaging reports to the CAA.
- Producers are subject to CalRecycle audits. Strict enforcement includes penalties such as finest up to \$50,000, criminal prosecution, and sales bans.

Colorado HB 22-1355

- Packaging and paper producers must register with the CAA and annually report the % of PCR content in products.
- Penalties range from \$5,000-\$20,000.

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EU PPWR

By August 12, 2026, businesses placing packaged goods on the EU market must maintain a Technical File and Declaration of Conformity certifying heavy metal limits, or face market prohibition, product recalls, and customs blockages through EU Member State enforcement.

FRANCE B2B

France has officially delayed the inclusion of B2B packaging in their EPR program until January 1st, 2027. This means that the next deadline to be aware of for B2B producers in France is to register with an approved eco-organization by December 31st, 2026. Looking ahead, the first declaration is likely to be in Q1 2028, which would cover 2027 activity. With the introduction of B2B, many companies are becoming producers under the regulation and must now register.

NEW STATE REGULATIONS

Several states have up-and-coming EPR packaging regulations. For some, like Maryland, Minnesota, and Washington, registration is already open and looking for pre-program supply data from producers. For others, like Maine, they're on track but still searching for a PRO to run the program.

