

RETAILERS, RESTAURANTS AND CONSUMER PRODUCTS MANUFACTURERS SHOULD ENSURE COMPLIANCE WITH STATE EPR LAWS

Jun 27, 2024

Retailers with private label products, restaurants and consumer product manufacturers should consider whether they are subject to state extended producer responsibility (EPR) laws, and therefore should register with the selected producer responsibility organization by July 1.

At least five states, including California, Colorado, Oregon, Maryland and Maine, have passed such EPR laws requiring producers of packaging and single-use food service wares to comply with certain requirements for recyclability/compostability and plastic reduction.

These states also require producers to join and fund a producer responsibility organization (PRO). The [Circular Action Alliance](#) has been named as the PRO for California, Colorado and Maryland, and is likely to be named as the PRO for the other states as well. CAA is strongly encouraging producers to register by July 1.

Although the laws vary slightly, “producers” are generally considered to be the brand owners of the consumer products in which the packaging is sold, or where the food service items are provided. The laws therefore apply broadly to retailers with private label products, quick service restaurants, and consumer product brand owners.

The laws have several exemptions, including for small producers (in California, for example, producers with gross annual sales in California of less than \$1million), and also beverage containers subject to state bottle deposit and redemption laws.

Potential penalties for non-compliance are substantial – including a prohibition on continuing to sell products in the state, as well as steep penalties.

Registration with CAA can be completed [here](#), and consists of a one-page online form providing contact information to receive further communications from CAA. Registration can be updated at a later date, and allows producers to participate in [CAA onboarding webinars and working groups](#) regarding compliance. The next onboarding presentation is scheduled for June 27, and the next working group is scheduled for July 16.

We have substantial experience advising clients on compliance with these EPR laws. For questions or to request a presentation on compliance, please contact the authors listed.

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