

## **CALIFORNIA PASSES TREND-SETTING EPR LAW FOR APPAREL, TEXTILES**

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California has become the first state in the nation to pass an extended producer responsibility (EPR) law making producers of apparel and textiles responsible for the full lifecycle of those products.

The Responsible Textile Recovery Act, or SB 707, was signed into law last week, and requires formation and selection by March 1, 2026 of a producer responsibility organization (PRO) responsible for the collection, repair, recycling and management of apparel and textile articles. Applicable producers are required to join the PRO by July 1, 2026, and any non-compliant producers as of July 1, 2030 may be subject to significant penalties.

The stated purpose of the law is to increase the amount of postconsumer apparel and textile articles that are diverted from landfills and reused, repaired, and recycled into secondary products. The PRO will be tasked with creating a plan to collect, transport, repair, sort, and recycle end-of-life textiles and apparel. The plan must consider

- the availability of markets for recycled products,
- necessary funding and incentives,
- the systems currently handling products throughout their lifecycles,
- investments necessary to provide environmentally responsible and economically viable end markets for textiles and apparel.
- how the PRO will provide for a free and convenient dropoff or collection system for covered products, including permanent collection sites and possibly temporary collection sites and mail-back options

Apparel and textile item “producers” subject to the law are defined in much the same way as California’s packaging EPR law, SB 54. Determining who is a producer subject to the law requires a tiered analysis. The producer obligations fall:

(1) First to the product manufacturer who owns or licenses the brand or trademark under which the product is sold.

(2) If there is no such entity subject to jurisdiction in California, next to the exclusive licensee of a brand or trademark under which the covered product is sold, imported or distributed in the state.

(3) If there is no entity subject to jurisdiction in California that is a producer under (1) or (2) above, the producer is the entity that imports the product into the state for sale or distribution.

(4) And if there is no entity subject to jurisdiction in California that is a producer under (1), (2) or (3) above, the producer is the distributor, retailer, or wholesaler who sells the product in or into the state.

Entities with less than \$1,000,000 in annual revenue and those who only sell secondhand products are exempt.

“Textile article” is defined in the law as “an item customarily used in households or businesses that are made entirely or primarily from a natural, artificial, or synthetic fiber, yarn, or fabric,” but expressly limited to include only “blankets, curtains, fabric window coverings, knitted and woven accessories, towels, tapestries, bedding, tablecloths, napkins, linens, and pillows.” “Apparel” is broadly defined in the law as clothing and accessory items intended for regular wear or formal occasions and outdoor activities, with very limited exceptions.

The law also requires CalRecycle to post on its website a list of all producers that in compliance. Non-compliant producers may be subject to penalties under the law of up to \$10,000 per day, or up to \$50,000 per day for intentional or willful violation.

As we have [previously reported](#), California and several other states already have similar EPR laws and programs concerning packaging. California also has stewardship programs for items such as carpets, mattresses, pharmaceuticals and sharps waste.

BCLP has a team of attorneys with expertise on these EPR laws, and who will continue to monitor them as they develop. For questions or more information, contact one of the authors listed.

## **RELATED PRACTICE AREAS**

- Retail & Consumer Products

## MEET THE TEAM



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