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Countdown to Compliance: Packaging EPR Deadlines

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Extended Producer Responsibility (EPR) laws are reshaping packaging obligations for businesses across the United States. EPR regulations fundamentally shift the financial and operational burden of managing post-consumer packaging away from municipalities and taxpayers, placing it instead on producers who introduce these materials into the market.

As of mid-2025, seven states – California, Colorado, Maine, Maryland, Minnesota, Oregon, and Washington – have enacted active EPR programs for packaging and paper products. In addition, more than a dozen other states are advancing legislation that could soon expand these requirements. If your company manufactures, imports, distributes, or sells packaged goods in any of the seven states identified above, it is essential to be aware that key EPR deadlines may be rapidly approaching, or have already passed.

2025 is shaping up to be a defining year for companies that manufacture, distribute, or sell packaging and paper products. In Colorado, Minnesota, and Oregon, the deadlines to register with a Producer Responsibility Organization (PRO) have already passed, and in Oregon and Colorado, reporting deadlines have also come and gone. Meanwhile, companies should be actively preparing for upcoming registration and reporting requirements in California, with key deadlines landing throughout the remainder of the year. This article outlines the current EPR landscape, including what producers need to know about program requirements, key deadlines, penalties, and practical steps to ensure multistate compliance.

What is EPR?

Extended Producer Responsibility is a policy framework that holds producers accountable for the entire lifecycle of their products and packaging, particularly the post-consumer or end-of-life management of the products they introduce to the market. The specific products covered by an EPR program are either defined by legislation or outlined within a producer responsibility plan. Covered products must be properly managed under the program's requirements. Noncompliance with EPR obligations can result in significant penalties, including fines, sales restrictions, and other enforcement actions.

Most packaging EPR programs require or strongly encourage producers to join a Producer Responsibility Organization. These organizations are tasked with developing and managing the producer responsibility plan on behalf of its members. To date, every state that has approved a PRO has selected Circular Action Alliance (CAA) for this role. Producers typically pay fees to the PRO, which then distributes funds to cover legislatively mandated costs. These costs generally support the collection, sorting, processing, and recycling of covered products to ensure their proper end-of-life management.

Key Deadlines and Penalties by State

As of mid-2025, seven U.S. states – California, Colorado, Maine, Maryland, Minnesota, Oregon, and Washington – have active EPR laws for packaging. With compliance deadlines fast approaching, 2025 marks a pivotal year for EPR implementation nationwide. Penalties for noncompliance vary by state, but they can be substantial, including daily fines, product sales bans, and enforcement actions that may carry reputational risks for consumer-facing brands.

Below is a summary of deadlines, program requirements, and enforcement penalties by state.

California

- **Overview:** California enacted its EPR program – the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54) – in June 2022. The state is currently redrafting regulations under SB 54. This program aims to address the impacts of single-use packaging and plastic food ware in California by requiring that these materials be 100% recyclable or compostable by 2032.
- **Covered Materials:** The program covers single-use packaging and plastic food service ware. For a detailed list, see the Covered Material Categories List [here](#).
- **PRO Registration:** The registration portal for California producers to register with CAA opened to producers August 1, 2025, with a registration deadline of September 5, 2025.
- **Reporting:** CAA has set a preliminary reporting deadline in California for November 15, 2025 (extending the previous deadline of August 31, 2025).
- **Fees:** Producers must pay the producer responsibility dues on covered materials annually to the PRO by January 1, 2026, and each year thereafter.
- **Penalties:** Noncompliance may result in fines of up to \$50,000 per day, per violation.

Colorado

- **Overview:** Colorado enacted its EPR program, Producer Responsibility for Recycling Packaging and Paper (HB22-1355), in 2022. The program aims to ensure that every residence in Colorado has access to recycling services at no cost to residents or local governments. Starting July 1, 2025, producers are prohibited from selling or distributing products containing covered materials in Colorado unless they participate in the EPR program.
- **Covered Materials:** The program covers all packaging materials and paper products, with certain exceptions. (See Colo. Rev. Stat. Ann. § 25-17-703(13).)
- **PRO Registration:** Producers were required to register with CAA by October 1, 2024. Those producers who did not register by that date may be subject to enforcement. The CAA website states that producers in these states who missed the deadline are still required to register. If you haven't registered yet, it's not too late; registration remains open online. Wondering if your organization is registered? You can check the official list of registered companies [here](#).
- **Reporting:** The first reporting deadline in Colorado was July 31, 2025.
- **Fees:** Producer responsibility fees for covered materials are due annually, starting in January 2026, and continuing each year thereafter.
- **Penalties:**
 - First Violation: \$5,000 per day, per violation, and \$1,500 for each day the violations continue
 - Second Violation (within 12 months): \$10,000 for the first day plus \$3,000 for each day the violation continues
 - Third or Subsequent Violations (within 12 months): \$20,000 for the first day and \$6,000 for each day the violations continue
- **Voluntary Disclosure of Violations:** Colorado's Environmental Audit Privilege and Immunity Law may offer protection for voluntary, self-disclosed environmental violations under specific conditions. If a violation of Colorado's EPR program is identified through a self-audit and voluntarily disclosed, administrative penalties may be waived. If your organization failed to meet the July 31, 2025, reporting deadline, legal counsel can help determine whether your organization qualifies for these protections and guide you through the disclosure process.

Maine

- **Overview:** Maine enacted the nation's first EPR law in 2021 establishing a stewardship program for packaging material. While formal deadlines have not yet been finalized, the Maine Department of Environmental Protection has outlined a tentative implementation schedule. Producers are expected to be registered with a PRO and report packaging production data for 2025 by May 1, 2026. The program is scheduled to be fully operational in 2027 and will be managed by a designated Stewardship Organization (SO). The state will begin selecting the SO in September 2025, with a contract expected to be finalized by April 2026.

Maryland

- **Overview:** Earlier this year, Maryland enacted SB 901, establishing a statewide EPR program covering paper products and packaging materials.
- **Covered Materials:** The bill defines "covered materials" as packaging and paper products sold, offered for sale, imported, or distributed in Maryland. Limited exemptions apply, including packaging for infant formula and containers for hazardous or flammable products.
- **PRO Registration:** Maryland has selected the CAA as their PRO. Producers have until July 1, 2026, to register with the PRO.
- **Reporting:** Producers, either individually or through their PRO, are required to submit an initial producer responsibility plan to the Maryland Department of Environment by July 1, 2028, followed by annual reporting beginning July 1, 2029.
- **Penalties:** Noncompliance may result in penalties ranging from \$5,000 to \$20,000.

Minnesota

- **Overview:** Minnesota enacted the Packaging Waste and Cost Reduction Act (HF 3911), which requires businesses that manufacture, distribute, or sell packaging, paper products, or food packaging in the state to comply with new EPR laws. The law sets a goal for all packaging and paper products to be refillable, reusable, recyclable, or compostable by 2032. One notable feature of Minnesota's law is that it allows producers to privately contract and assign compliance obligations. It also establishes a stewardship program for "boat wrap," which is the plastic film used to wrap boats for transport, winterization, or storage.
- **Covered Materials:** The law applies to packaging, packaging components, food packaging, and paper products that are sold, distributed, offered for sale, or used to ship a product within or into Minnesota.
- **PRO Registration:**
 - Producers were required to register with CAA by July 1, 2025, unless exempt as a de minimis producer. Producers who failed to register with CAA may face enforcement action.
 - By January 1, 2029, producers must have an executed agreement with a PRO to comply with an approved stewardship plan. Producers who have not complied by that date will be prohibited from introducing covered materials into Minnesota.
 - For boat wrap producers, registration is required with both CAA and Minnesota's boat wrap stewardship program. Beginning September 1, 2025, boat wrap that is not part of a registered stewardship program may not be used, sold, or offered for sale in the state.
- **Fees:** Minnesota will implement fee assessments gradually, with full program enforcement by 2029.
- **Penalties:**
 - First Violation: Up to \$25,000 per day, per violation
 - Second violation (within five years after approval of a stewardship plan): Up to \$50,000 per day, per violation

- Third and Subsequent Violations (within five years after approval of a stewardship plan): Up to \$100,000 per day, per violation

Oregon

- **Overview:** Oregon's paper and packaging EPR law, the Plastic Pollution and Recycling Modernization Act (SB 582), was passed in 2021, and aims to reduce packaging waste, increase recycling rates, and promote sustainable packaging.
- **Covered Materials:** The program covers packaging, printing and writing paper, storage items, and food service ware.
- **PRO Registration:** Producers were required to have registered with the CAA by March 31, 2025. The CAA website states that producers in these states who missed the deadline are still required to register. If you haven't registered yet, it's not too late; registration remains open online. Wondering if your organization is registered? You can check the official list of registered companies [here](#).
- **Reporting:** The first reporting deadline in Oregon was March 31, 2025. However, the CAA permitted a grace period through April 30, 2025. Producers were required to include data such as the weight, number, and types of packaging used.
- **Fees:** Program and fee obligations for members began July 1, 2025.
- **Penalties:** Penalties for noncompliance are up to \$25,000 per day, per violation.
- **Voluntary Disclosure of Violations:** Oregon Administrative Rule 340-012-0160(2) allows for discretionary penalty reductions when an entity voluntarily discloses environmental violations to the Oregon Department of Environmental Quality. Factors considered include whether the violation was discovered through an audit or compliance program, voluntarily and promptly disclosed, independently found, corrected, prevented from recurring, nonrepetitive, and handled cooperatively. Legal counsel can assist with reporting missed Oregon EPR program deadlines and evaluating potential penalty reductions.

Washington

- **Overview:** Earlier this year, Washington enacted SB 5284, establishing an EPR program for packaging and paper products.
- **Covered Materials:** The program covers packaging and paper products introduced into Washington.
- **PRO Appointment:** Producers must appoint a PRO to manage their covered materials by January 1, 2026.
- **PRO Registration:** Producers are required to register with a PRO or register individually by July 1, 2026.
- **Penalties:** Noncompliance can result in fines of up to \$1,000 per violation, per day, escalating to \$10,000 per day for repeat violations.

Steps to Ensure EPR Compliance

With significant compliance deadlines approaching, 2025 marks a critical year for producers subject to state EPR laws. The steps below can help your organization stay ahead of evolving obligations and avoid potential penalties.

Three Critical Steps: Determine Status, Register, Collect Data

1. Determine whether your organization qualifies as a producer

Work with legal counsel to assess whether your company meets the definition of a "producer" under any state's EPR law. Depending on your business model, product types, or annual sales thresholds, you may qualify for an exemption, making early evaluation critical to avoid unnecessary obligations.

2. Register with the Designated PRO

Register with the PRO designated in each applicable state. As of now, CAA is the designated PRO in every state with active EPR laws except Washington and Maine, which are still in the process of selecting a PRO or SO.

If your company missed a registration deadline, it is important to register with CAA as soon as possible to minimize the risk of enforcement actions or delays in compliance. Keep in mind that additional PROs or SOs may be designated in the future, so it is important to monitor developments in each state closely.

3. Begin Collecting and Organizing Packing Data

Start collecting detailed data on covered packaging materials sold or distributed in each state. Accurate data collection now will help your company meet reporting requirements and avoid last-minute compliance issues as deadlines approach.

Confirm Multistate Registration with CAA

Your organization should confirm that you have identified all five states in your CAA registration. To do so, producers must complete CAA's account registration form and indicate all states where they may be considered an obligated producer. Reporting through CAA is streamlined but not automatic; each state must be selected individually during registration to ensure compliance.

Understand State-Specific Compliance Obligations and Plan for Compliance

Entities should work closely with legal counsel to determine whether their products fall within the scope of "covered materials" under each state's EPR law and whether they qualify as a "producer," or if they may qualify for an exemption. Once producer status is confirmed, companies should take the necessary steps to enroll with a designated PRO, if required.

In parallel, businesses should begin strategically reviewing their current packaging designs and materials to identify opportunities to improve recyclability and potentially reduce EPR-related fees. Many programs link producer fees to the environmental characteristics of packaging (e.g., recyclability), making eco-design strategies an important cost-management tool.

Additionally, since some EPR programs impose recordkeeping and reporting obligations, entities should implement internal systems for data collection, reporting accuracy, and document retention.

Monitor EPR Trends and Timelines

EPR laws continue to expand across the U.S., with new bills expected in 2025. While packaging is currently the most active sector, additional product categories are coming under regulation. Notably, California's Responsible Textile Recovery Act is the first EPR law in the nation to cover clothing and textiles. In addition, many states have already implemented EPR programs for electronics, batteries, paint, and mattresses, and similar efforts are likely to expand into new material streams.

How Baker Donelson Can Assist

Baker Donelson's Environmental Group is here to help your organization navigate the evolving landscape of state EPR laws. If you have questions about your multistate compliance obligations, need to confirm your registration status with CAA, or want support reviewing reporting requirements, our team is ready to assist. Please reach out to a member of Baker Donelson's [Environmental Group](#) to discuss how we can support your organization's compliance strategy and broader sustainability goals.

