

Extended Producer Responsibility (EPR) Laws An Overview – May 2026

The information provided in this article is only intended to give a general overview of Extended Producer Responsibility (EPR) laws across the United States. It is based on information and data as of the date of publication, which could have since changed. Jamestown Plastics does not provide any legal advice below and assumes no responsibility for decisions companies make regarding EPR. We suggest that companies engage attorneys who are well-versed in EPR laws to determine best way to proceed.

What are Extended Producer Responsibility (EPR) laws?

In general, EPR laws are designed to shift the cost of managing waste from local municipalities to producers. This shift is typically accomplished through fees, reporting, and recycling targets. EPR laws are thought to have started in the 1990s in Europe, initially focused on packaging, then extending to end-of-life vehicles and electronics.

Within the United States, EPR initiated in the late 1990s and early 2000s. Most recently, various states within the US have expanded EPR laws to plastics and plastic packaging. While implementation timelines vary by state, from 2025 through 2032 and beyond, most of the EPR laws require producers to:

- Join a Producer Responsibility Organization (PRO)
- Report packaging volumes
- Pay fees to fund recycling systems

What states have EPR laws?

Currently, 7 states have enacted packaging EPR laws: Maine, Oregon, California, Colorado, Minnesota, Maryland, and Washington. Below are links to EPR information for each state:

- California – [SB 54: Plastic Pollution Prevention and Packaging Producer Responsibility Act - CalRecycle Home Page](#)
- Colorado – [Producer Responsibility program | Colorado Department of Public Health and Environment](#)
- Maine – [Extended Producer Responsibility for Packaging, Waste Management, Maine Department of Environmental Protection](#)
- Maryland – [Producer Responsibility](#)
- Minnesota – [Extended producer responsibility for packaging | Minnesota Pollution Control Agency](#)
- Oregon – [Department of Environmental Quality: Plastic Pollution and Recycling Modernization Act: Recycling: State of Oregon](#)
- Washington – [Recycling Reform Act - Washington State Department of Ecology](#)

In addition, several other states have introduced or are considering EPR laws. It is important for producers to stay apprised of these laws and determine how it may affect their individual businesses.

Who is responsible for EPR reporting?

For states that require reporting, this must be done by the “producer.” Individual state laws vary in their definitions of a “producer,” but in general a “producer” is considered the entity that introduces packaged goods into the state market. States typically follow a tiered definition for producers that includes:

1. The brand owner whose name is on the product / packaging
2. The importer or distributor, if the brand owner is outside of the US
3. If neither of these apply, then the entity selling or supplying the product into the state would be considered the “producer.” Note, in some states this third tier can apply to e-commerce companies shipping goods to consumers.

Are there any exemptions in EPR laws?

The quick answer is “yes,” there are exemptions. But since the laws are written and passed by individual states, the exemptions vary from state to state. Exemptions will commonly fall into one of these categories:

- Small Producers – this could be for companies that are below a certain revenue amount (i.e. under \$2 million or under \$5 million) or material volume (i.e. less than 1 ton)
- Specific Products – typical exemptions are made for producers of medical devices, pharmaceuticals, infant formula, or hazardous materials.
- B2B Packaging – if packaging is used to ship products to a business rather than a consumer, this packaging may be excluded.
- Specific materials – some states carve out specific materials or exclude those covered by other regulations (i.e. beverage container deposits)
- Specific Entities – states may exclude certain entities from the EPR laws, such as non-profit organizations or retail food businesses.

It is important for businesses to work with their legal counsel to determine their responsibilities under EPR laws. Even if a business is exempt from the law, there could still be reporting requirements that they must follow.

How can Jamestown Plastics help you with EPR requirements?

As companies are working through their responsibilities related to EPR laws, Jamestown Plastics is ready to assist in a few different ways:

1. **Package Design** – with almost 70 years of custom thermoforming experience, our team can help you design the best package for your product. The right design can help reduce the amount of plastic used to package your product, allowing you to better meet your EPR requirements.
2. **Material Selection** – we have experience working with several materials, including post-industrial and post-consumer recycled (PCR) materials. If it can be thermoformed, we have likely used it!
3. **Clamtainer® Reusable Clamshell** – some EPR laws target the reduction or elimination of single use packaging. The patented Clamtainer is a reusable clamshell that not only initially protects the product that it packages but can then be used to store that product or used to store other products. Learn more about this solution at [Clamtainer Packaging – Clamshell packaging unlike any other](#)

[Contact us](#) today to discuss your specific projects and identify ways in which your packaging can be improved to better meet EPR requirements.