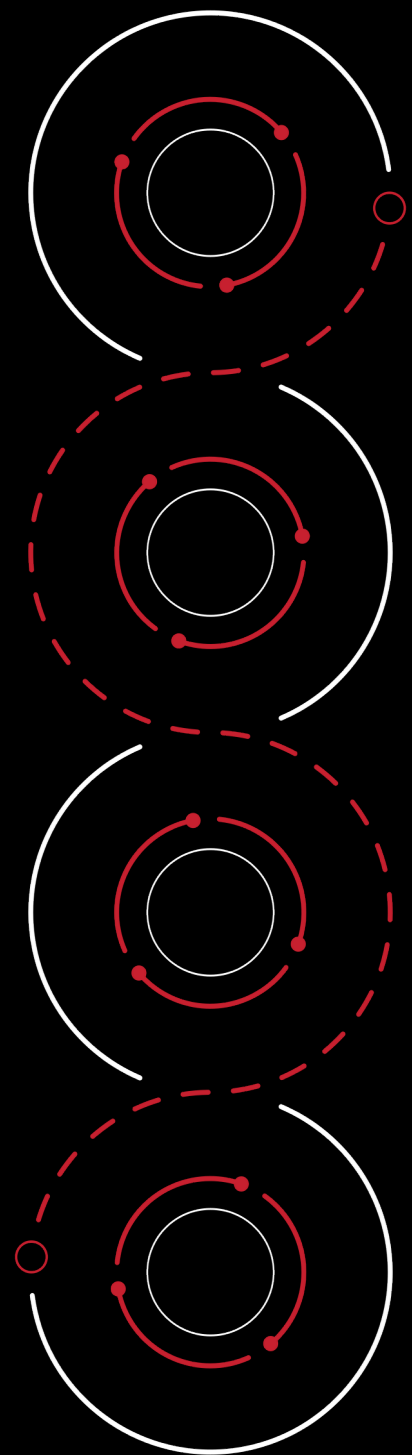


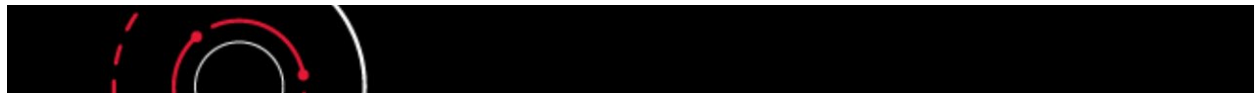
Updated Policy Brief

Extended Producer Responsibility (EPR) for Plastics Packaging in the U.S.



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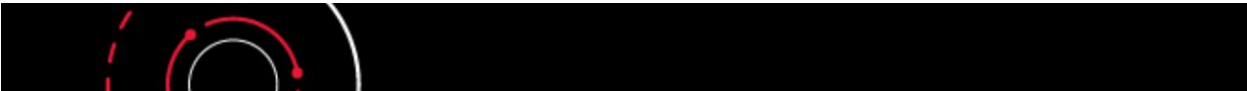
Executive Summary

Extended Producer Responsibility (EPR) policies for plastics packaging in the U.S. are entering a consequential phase as select states move from policy adoption to implementation. States are testing different approaches to producer responsibility, fee design, program governance, collection-system investment, and performance measurement, providing an opportunity to identify which policy frameworks are most effective. Policy implementation is also creating more formal opportunities for stakeholder feedback. Litigation and regulatory challenges, while introducing uncertainty, are bringing producer, environmental, government, and other stakeholder perspectives into questions of agency authority, producer obligations, exemptions, fee-setting, and the appropriate scope of Producer Responsibility Organization (PRO) responsibilities. These processes can help clarify statutory goals, define the boundaries of PRO authority, and strengthen the rules that will govern EPR programs. At the same time, as producer fees and system investments take effect, consumer cost pass-through and affordability will require attention.

The diversity of approaches across states also creates an opportunity to identify where greater policy harmonization can improve implementation. In the absence of a federal EPR framework, states have adopted different definitions, reporting, fees, timelines, performance measures, and governance. Multiple registration systems, reporting conventions, fee methodologies, and compliance requirements for the same packaging can increase administrative costs, while differences in waste classification and program rules can constrain interstate movement of materials. Policy harmonization and coordination must focus on areas where common standards can reduce complexity without eliminating policy innovation and flexibility.

The early stage of policy implementation also provides an opportunity to establish stronger measures of progress. States are beginning to set collection, recycling, source-reduction, and other performance targets. However, there is no common framework for distinguishing among material supplied, available for collection, collected, processed, recycled, rejected, and ultimately placed in an end market yet. Establishing these definitions early would allow states to build credible baselines, assess efficacy of collection and processing capacity, and distinguish increases in collection from actual improvements in material recovery and new products in end markets. More consistent reporting would also allow for comparing outcomes across jurisdictions and identifying which program structures are producing measurable results.

Conversations with industry experts and stakeholders also underscore the value of experience from more mature Canadian EPR systems. These include periodically revisiting material scope as collection systems and markets change, phasing verification requirements during early implementation, and pairing temporary reporting flexibility with clear correction procedures, audit authority, and data-quality safeguards.



1. Introduction

Extended Producer Responsibility (EPR) for plastics packaging in the U.S. is entering a new phase as a select group of states moves from policy adoption to implementation. As these programs become operational, they are beginning to provide a clearer picture of how producer responsibility can support expanded collection, processing, recycling infrastructure, and more transparent allocation of end-of-life management costs. At the same time, implementation is creating an opportunity to better understand how these costs move through the packaging value chain and whether they are ultimately passed through to consumers. Recent state-level estimates vary considerably, ranging from approximately \$108 to \$129 per household annually in New Jersey, to a California agency estimate of about \$190 per household annually, and \$456 to \$732 annually for a family of four in New York.¹ These estimates, while not directly comparable because of differences in program designs and methodologies, indicate that the pass-through of EPR costs to consumers will become an increasingly important consideration as programs move into implementation.

EPR: Purpose, Goals, and Policy Relevance

Extended producer responsibility (EPR) is a policy approach that shifts greater responsibility for the end-of-life management of products and packaging to the producers who place them on the market. By linking producers more directly to collection, recycling, and disposal costs, EPR aims to create incentives for more sustainable product and packaging design and to support a transition toward a circular economy.

Goals of EPR

- Shifting end-of-life responsibility toward producers;
- Improving collection, sorting, recovery, and recycling systems;
- Encouraging easier to reuse, recycle, recover packaging design;
- Reducing the amount of material landfilled or incinerated;
- Strengthening markets for recycled and recovered materials;
- Improving transparency and accountability for material flows and system performance.

Why does it matter for plastics packaging?

Plastics packaging remains particularly difficult to recycle and return to productive use because of complex material compositions, multilayer packaging, contamination, inconsistent collection systems, and limited sorting and recycling infrastructure. EPR can provide a mechanism for financing improvements across this value chain while creating stronger incentives for producers to consider end-of-life impacts.

Policy significance

EPR shifts formal responsibility for end-of-life management upstream to producers and creates incentives to reduce material use, improve recyclability, and fund collection and processing. Some of these costs may still be passed through to consumers, making affordability an important part of program evaluation. Its value, therefore, lies in linking environmental goals, economic incentives, infrastructure investment, and accountability across the packaging lifecycle.

This brief examines how recent policy developments are being translated into implementation through producer obligations, fee structures, and reporting systems. The implementation framework has triggered a fresh wave of legal challenges that are also examined here.

Although states share a broad objective of improving recycling systems and reducing waste, substantial questions remain about whether differences in implementation frameworks will increase fragmentation across jurisdictions.² These differences have direct implications for



producers and implementing agencies, wherein stakeholders must navigate overlapping requirements and packaging-specific compliance challenges. This brief also assesses the regulatory pathways in Colorado and California as useful case studies for how EPR policies are being implemented in U.S. states. We highlight how policy design and early implementation in these states are yet to reveal how packaging EPR requirements would align with existing programs for plastics packaging, and whether overlapping systems will create regulatory gaps, duplication, or inconsistent producer obligations.

2. Understanding the EPR Policy Landscape in the U.S.

The following states are now developing the frameworks to implement EPR policies. This includes states where policy design, rules, guidance, producer registration, and needs assessment work are still underway.

- Maine amended Chapter 428 in February 2026 to the Packaging Material Types List,³ and is preparing both a Request for Proposal (RFP) for a stewardship organization and producer and municipal guidance due in Summer 2026.⁴
- California has moved into a more active compliance phase, with CalRecycle publishing covered material category updates in January 2026;⁵ Circular Action Alliance (CAA) opening its producer portal ahead of the May 31, 2026, registration deadline;⁶ and permanent regulations approved and effective May 1, 2026.⁷
- Maryland has also advanced from proposal to rule implementation, releasing a draft compliance guide and proposed regulations for public comment before adopting final regulations effective May 25, 2026.⁸
- Washington has named CAA as its Producer Responsibility Organization (PRO); begun rulemaking; set a July 1, 2026, producer registration deadline; and initiated a Request for Information (RFI) process that will support a draft needs assessment expected in December 2026.⁹
- Colorado has moved into plan approval and payment milestones, with Colorado Department of Public Health (CDPHE) approving CAA's final plan on December 9, 2025; producers beginning dues payments to CAA by January 2026; and CAA expected to remit first administration dues to CDPHE by June 30, 2026.¹⁰

A few other states remain in earlier design and coordination stages. For example, Oregon is conducting a third round of rulemaking to clarify or correct rules, and Minnesota is advancing needs assessment data collection and service provider registration.¹¹

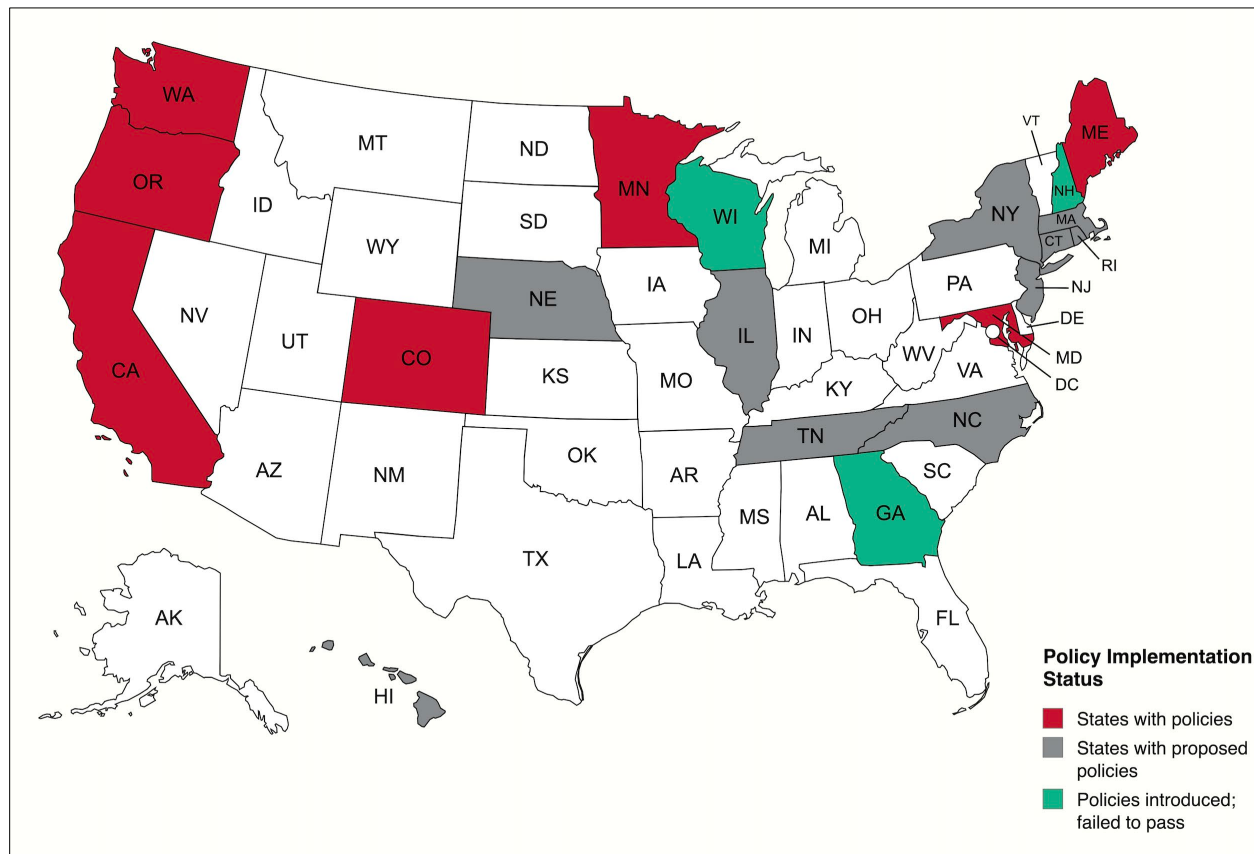


Figure 1. U.S. states that have implemented laws and proposed EPR policies for plastics packaging as of Summer 2026. The map also includes the states that failed to pass their proposed policies. We see some early evidence of policy diffusion across contiguous states, where they are moving in alignment towards consideration, rejection, or legislation of EPR policies.

Table 1. Ongoing policy development and implementation activities across U.S. states that have adopted EPR laws

State	Status of EPR Policies for Plastics Packaging	Ongoing Policy Development and Implementation
Maine	Enacted; early implementation	- In February 2026, amendments to Chapter 428 added Appendix A – the Packaging Material Types List.¹² - Anticipates publishing RFP for a stewardship organization so that registration of producers can start. - Maine Department of Environmental Protection (DEP) preparing producer and municipal guidance due Summer 2026.⁴
California	Enacted; early implementation	CalRecycle published covered material category updates in January 2026.¹³



		• CAA producer portal open for producer registration with a deadline of May 31, 2026.¹⁴ • Permanent regulations approved and effective May 1, 2026.¹⁵
Maryland	Enacted; operational in 2028	• Draft compliance guide and proposed regulations released, comment period February 6–March 9, 2026.¹⁶ • Adopted final regulations for the program effective May 25, 2026.¹⁷
Washington	Enacted; to be fully operational in 2029–2030 in phased approach	• CAA announced as PRO on March 4, 2026.¹⁸ • Rulemaking started; comment period ended June 24, 2026.¹⁹ • Producers must register with a PRO by July 1, 2026.⁹ • RFI to support implementation underway, will be followed by a draft needs assessment in December 2026.²⁰
Colorado	Enacted; active	• CDPHE approved CAA’s final plan on December 9, 2025.¹⁰ • Producers paying dues to CAA on or before January 2026. • CAA to remit first administration dues to CDPHE on June 30, 2026.
Oregon	Enacted; Some elements are partially blocked due to litigation	• Third rulemaking underway to clarify/correct rules proposed; end date in early 2027. • Advisory committee actively meeting.²¹
Minnesota	Enacted; full implementation by 2032	• Needs assessment/data collection ongoing with initial draft expected on December 31, 2026.²² • Advisory board meetings are active.²³ • Service provider registration is open.²⁴

Lastly, Georgia, New Hampshire, and Wisconsin recently introduced EPR bills addressing plastics packaging, and each of them failed to pass.²⁵

3. Legal Challenges, Policy Pushback, and Their Implications

As plastics packaging EPR programs move from adoption to implementation, legal challenges and policy pushback are beginning to reveal where program design and implementation remain contested.

- California’s EPR implementation is facing pressure from both environmental and industry groups. Environmental advocates have announced a challenge arguing that the final Senate Bill (SB) 54 regulations for plastics packaging create loopholes and do not go far enough to meet the law’s waste reduction and recycling goals. Industry trade groups have filed a separate lawsuit challenging SB 343’s truth-in-recycling labeling requirements – which are laws that restrict environmental claims and recycling symbols to materials

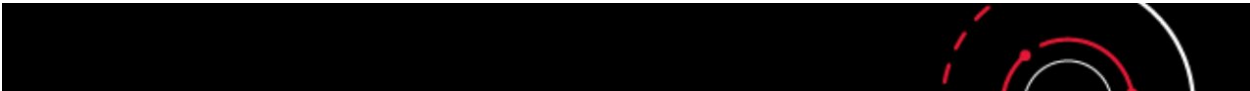


unless proven to be widely collected, sorted, and processed by existing municipal waste infrastructure – as an unconstitutional restriction on commercial speech.²⁶

- In Maryland, SB 926 reflects policy pushback through a proposed amendment to exempt dietary supplements from producer responsibility requirements.²⁷
- Disputes in Colorado and Oregon focus more directly on implementation authority and producer obligations. These cases reflect ambiguities that are less visible at the legislative stage, particularly where multiple material streams, producer categories, or existing waste-management systems overlap. They also create conflict over how much discretion agencies and PROs should have in interpreting statutory requirements and allocating costs. The Independent Lubricant Manufacturers Association (ILMA) lawsuit against CDPHE challenges implementation tied to lubricant packaging, fees, and the separate pathway created through Interchange 360's Individual Program Plan.²⁸
- In Oregon, the National Association of Wholesaler Distributors (NAW) lawsuit challenges the EPR law for giving too much practical authority to CAA, with a preliminary injunction pausing enforcement against qualifying members.²⁹ Oregon also saw HB 4030, which would have exempted some berry and meat, poultry, fish, and seafood packaging from recycling-law requirements, fail.³⁰ The framework is awaiting trial in federal court.³¹

These disputes indicate that EPR implementation is most vulnerable where all stakeholders do not clearly accept legal authority and jurisdiction, fee-setting, producer obligations, and program governance. Patterns from ongoing litigation point to several recurring concerns: private delegation and PRO authority, fee transparency and due process, inconsistent definitions and reporting rules, and sector-specific tension for products such as lubricants, automotive fluids, food-contact packaging, and products regulated by the Food and Drug Administration (FDA). These reflect issues identified in our previous work, including fragmented policy frameworks, unclear producer definitions, inconsistent reporting requirements, limited transparency, and uncertainty around how broad packaging EPR frameworks should account for niche products.

The legal challenges in Colorado illustrate how disputes can arise when states move from statutory design to implementation. The ILMA lawsuit challenges CDPHE's approval of Lubricants Packaging Management Association's (LPMA's) Individual Program Plan, raising questions about the authority to establish alternative compliance pathways, the basis for producer fees, and oversight of PRO decisions. Related disputes over participation requirements, appeals, and interstate commerce further highlight the need for clearer rules on program governance, fee-setting, producer protections, and compliance across state lines. These issues are likely to remain central as more states adopt policies, operationalize EPR programs, and attempt to translate broad legislative requirements into workable compliance systems. California presents a different



implementation challenge. Environmental groups are challenging how CalRecycle has defined covered materials, exemptions, recyclability, and eligible processing pathways, arguing that these decisions could reduce the materials subject to SB 54’s source-reduction and recycling requirements. On the other hand, industry groups are contesting how producer responsibility is assigned, requirements for out-of-state recycling, PRO authority, cost and fee provisions, and restrictions on communicating EPR costs to consumers. Both sets of challenges test whether the policy implementation is sufficiently rigorous to achieve SB 54’s statutory goals and whether the mechanisms used to achieve those goals impose legally permissible obligations on producers

While states whose programs are in the earlier stages may not yet have lawsuits, these examples suggest that disputes could become more visible as deadlines, fees, reporting obligations, and enforcement become real. Future guidance from state legislatures should clarify PRO roles, fee methodologies, appeal pathways, covered-material definitions, and sector-specific treatment to reduce uncertainty without weakening the broader goals of EPR.

4. State Policy Approaches to EPR Implementation in California and Colorado

California and Colorado are now operationalizing packaging EPR laws. The following section examines these differences more closely to identify how alternative state approaches may shape implementation outcomes and emerging policy challenges.

Table 2. California and Colorado – Policy Implementation for EPR for Plastics Packaging

Dimension	California	Colorado
Overall policy structure	SB 54, Plastic Pollution Prevention and Packaging Producer Responsibility Act. ⁶ Establishes EPR for packaging across material types and single-use plastic food service ware, while implementing additional source-reduction and recycling requirements specifically on plastics.	HB 22-1355, Producer Responsibility Program for Statewide Recycling Act. ³² Establishes a producer-funded statewide recycling system for packaging and paper products, with a primary focus on expanding recycling access, collection, processing, and end markets.
Policy objective	Reduce the amount of single-use plastic entering the market while increasing recycling and ensuring that covered packaging becomes recyclable or compostable.	Shift the cost of recycling from local governments and households to producers while expanding convenient and equitable recycling access and increasing statewide collection and recycling rates.
Covered materials and recyclability framework	Single-use packaging across material types and single-use plastic food service ware subject to statutory exclusions and	Packaging and paper products defined as covered materials under HB 22-1355. The program establishes a statewide Minimum



	exemptions. CalRecycle maintains Covered Material Categories and determines recyclability and compostability by category, including determinations of which categories are recyclable or compostable, and the recycling rate achieved for each category.	Recyclables List for materials that participating service providers must collect, with pathways for additional covered materials where viable collection and responsible end markets exist. Materials outside the list may still receive program support where they can be collected at reasonable cost and have a responsible end market.
PRO and compliance structure	CAA is California's first approved PRO. CalRecycle oversees registration, plans, budgets, reporting, and compliance. ³³	CAA is Colorado's designated statewide PRO and implements the program through the state-approved Program Plan. CDPHE and the Producer Responsibility Advisory Board provide regulatory and stakeholder oversight. ³⁴
Source reduction requirements	Central component of the program. Single-use plastic packaging and food service ware must decline 10% by 2027, 20% by 2030, and 25% by 2032, relative to the statutory baseline.	No comparable statewide mandatory plastic source-reduction schedule. The program includes reuse and refill strategies and requires the PRO to establish goals and reporting mechanisms, but its primary emphasis is improving recovery and recycling.
Recycling and circularity targets	Requires 30% of single-use plastic to be recycled by 2028, 40% by 2030, and 65% by 2032. By 2032, 100% of covered packaging and plastic food service ware must be recyclable or compostable.	The approved program establishes 2030 and 2035 collection, recycling, and post-consumer recycled-content targets. The approved implementation scenario is projected to increase statewide recycling of packaging and paper from roughly 25% to approximately 58% by 2035.
Collection and recycling-service model	The statewide needs assessment informs the PRO plan, budget, infrastructure investments, collection systems, and strategies needed to meet source-reduction and recycling requirements. Producer funding supports implementation of the statewide system.	More explicitly service-oriented. The PRO must use and expand existing recycling services and provide convenient and equitable recycling access for readily recyclable materials. Participating service providers are reimbursed for 100% of net recycling-service costs under the program.
Producer fees and cost allocation	Producers finance implementation through PRO fees that account for covered-material categories and are subject to eco-modulation. Plastic producers must also collectively provide \$500 million annually for 10 years beginning in 2027 for mitigation of environmental impacts associated with plastic pollution.	Producer dues finance collection, sortation, processing, administration, education, infrastructure, and service-provider reimbursement. Colorado also requires eco-modulation of producer dues to reward or discourage packaging characteristics based on recyclability and other environmental considerations.



Infrastructure and end markets	Infrastructure investment is tied to the statewide needs assessment and the requirements needed to achieve statutory recycling, source-reduction, and recyclability goals.	Infrastructure expansion is an explicit program function. The needs assessment identified collection gaps, MRF capacity needs, rural access constraints, and opportunities for new end markets; the program also requires materials to be directed to responsible end markets.
Reporting and performance measurement	Producers and the PRO report through CalRecycle's Packaging Extended Producer Responsibility System (PEPRS). Reporting includes registration, covered-material data, source-reduction data, plans, annual reports, and other compliance documentation. CalRecycle separately calculates recycling rates for Covered Material Categories.	Producers report covered-material supply data to support dues calculations and compliance. The PRO must conduct an independent annual audit and submit annual reports measuring progress toward collection, recycling, PCR-content, access, and other program targets.
Regulatory oversight	CalRecycle administers and enforces SB 54, approves PRO plans, budgets and annual reports, maintains material classifications, and is advised by a multi-stakeholder Packaging Producer Responsibility Advisory Board.	CDPHE administers the program and approves the PRO plan, with recommendations and ongoing input from the Producer Responsibility Advisory Board.

4.1 Emerging Policy and Regulatory Uncertainties and Challenges in California and Colorado

In California, SB 54 combines producer responsibility with various mechanisms to improve plastics recycling. These include source-reduction requirements, higher recycling targets, material-specific recyclability determinations, and broader packaging design requirements. Translating these statutory goals into an operational program has been the first step in the active compliance phase in 2026. CalRecycle updated the Covered Material Categories List in January, permanent SB 54 regulations took effect on May 1, and CAA opened its producer portal ahead of the May 31 registration deadline. Producers and the PRO now report registration, covered-material and source-reduction data, plans, annual reports, and other compliance documentation through the Packaging Extended Producer Responsibility System (PEPRS), while CalRecycle calculates recycling rates for each Covered Material Category. These systems support near-term deadlines, including a 10% source reduction by 2027, recycling of 30% of single-use plastic by 2028, and \$500 million in annual funding from plastic producers beginning in 2027. Since material classifications determine recyclability, compliance obligation, and fee allocation, implementation decisions around covered materials exemptions, recycling definitions, and PRO authority remain central to stakeholder disputes over costs and regulatory scope.



Colorado's HB 22-1355 is more directly structured around expanding statewide recycling access and shifting the costs of collection and processing toward producers. As the program moves into operation, the immediate challenge is translating statewide objectives into producer fees, service-provider reimbursement, collection standards, infrastructure investments, reporting systems, and measurable recycling outcomes. Questions around PRO authority, fee-setting, producer obligations, and alternative compliance pathways have also become more significant as program requirements take effect. At the same time, the long-term effectiveness of the program will depend on whether expanded producer funding translates into increased recycling rates, improved collection and access, sufficient processing infrastructure, and viable end markets for recovered materials.

The comparison highlights different but related implementation risks. California places greater emphasis on source reduction, material circularity, and statutory recycling targets, while Colorado places greater emphasis on financing and expanding the recycling system itself. Both approaches require agencies to make consequential decisions about covered materials, producer responsibility, fees, reporting, infrastructure, and performance measurement after the broader statutory framework is already in place. Effective implementation will require transparent fee methodologies, clear allocation of authority between regulators and PROs, consistent reporting and performance standards, mechanisms for resolving producer disputes, and regular assessment of whether program expenditures are producing additional recycling capacity and environmental benefits. These requirements will become increasingly important as more states move from EPR legislation to full program implementation.

5. Input from Industry Experts

We also conducted stakeholder interviews with EPR experts in the U.S. and Canada, including producers, producer responsibility organizations, stewardship program administrators, industry associations, and regulators over the summer of 2026. These interviews provided insights into how emerging U.S. requirements are operating in practice, where regulatory and operational gaps remain, and which lessons from the more mature Canadian policy environment and recycling systems may apply to the nascent U.S. EPR context.

5.1 Institutional Differences Between U.S. and Canadian EPR Systems

Policies across U.S. states share several characteristics with Canadian provinces' EPR, including jurisdictional differences in covered materials, fees, reporting requirements, and recovery calculations. The key differences are institutional.



Both systems are decentralized, with provinces in Canada and states in the U.S. retaining primary responsibility for EPR policies. Canada, however, has progressively developed mechanisms to coordinate those subnational programs. Beginning with the Canadian Council of Ministers of the Environment's 2009 Canada-wide Action Plan for EPR, federal, provincial, and territorial governments established common principles, priority product categories, and core elements intended to improve consistency across programs while allowing provinces to retain flexibility in implementation.³⁵ Subsequent guidance has promoted the use of common product categories and definitions. This coordination has provided a common institutional framework through which differences between provinces can be identified early and aligned iteratively. More recently, the Federal Plastics Registry has added a national reporting layer intended to address differences in provincial definitions, calculations, and performance indicators.³⁶ The Registry does not replace provincial EPR reporting but establishes common categories and data requirements for plastics placed on the market and, over time, their collection and end-of-life management. In developing the Registry, the federal government explicitly sought to align categories with existing provincial EPR programs and federal guidance to improve comparability and reduce reporting burden.

The U.S. does not yet have an equivalent coordinating architecture for plastics packaging EPR. While Canada has developed a model of coordinated decentralization in which provincial authority is preserved but supported by intergovernmental frameworks and increasingly comparable national data, U.S. plastics packaging EPR remains led by states. Our stakeholder interviews highlighted that, without stronger mechanisms for interstate coordination, differences in producer obligations, reporting, governance, and performance measurement may become more difficult to reconcile as additional states adopt and implement EPR.

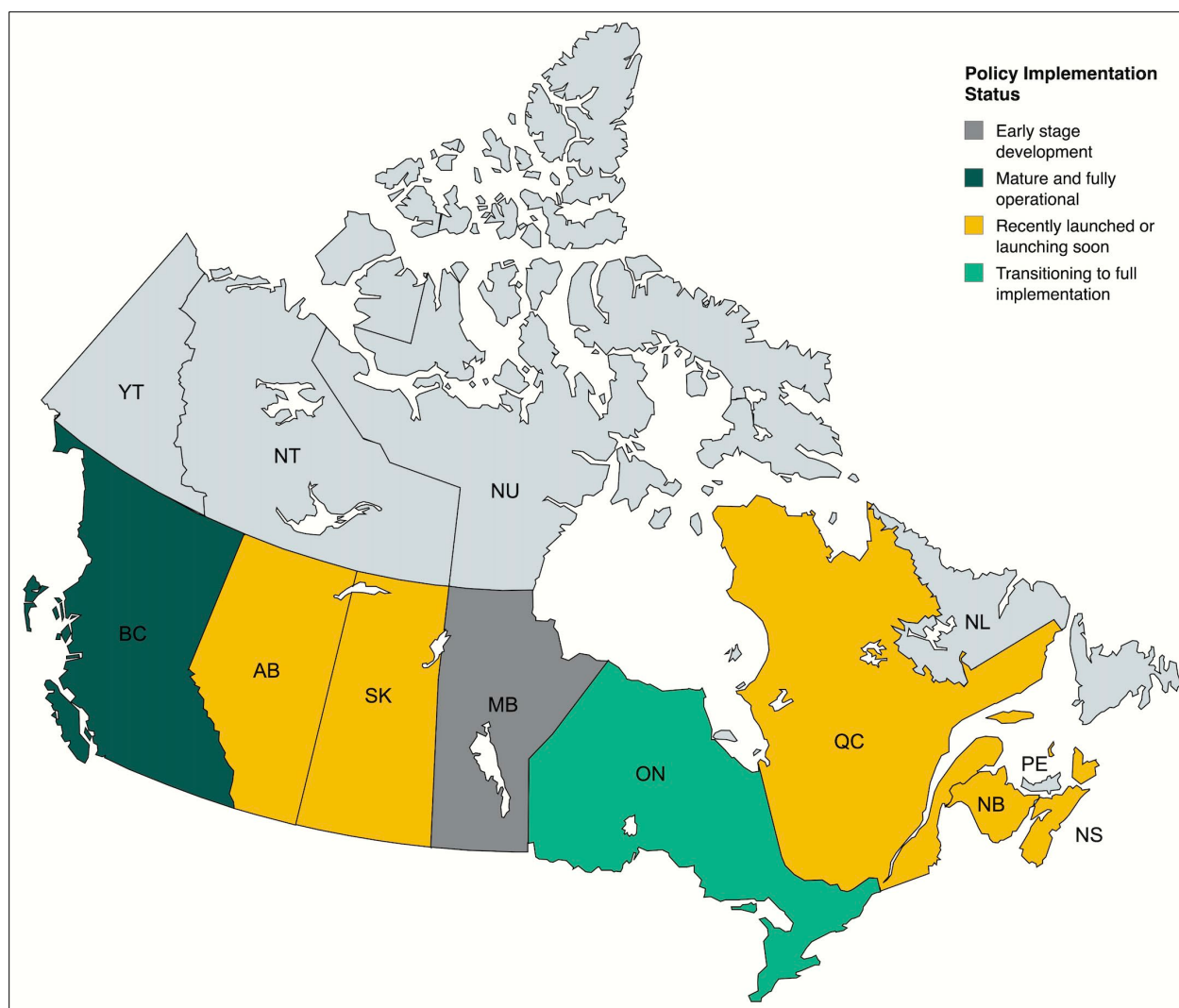


Figure 2. Policy Implementation Status of EPR in Canada.

5.2 Baseline Measurement and Performance Metrics

Canada's ability to compare EPR performance across provinces is supported by more established and relatively consistent conventions for defining material supplied, collected, processed, and recovered. U.S. states do not yet have an equivalent cross-state baseline, and differences in definitions and reporting methodologies may make program outcomes difficult to compare as implementation expands.

At a minimum, programs should separately measure the quantity of covered material supplied into the jurisdiction, the amount entering the waste stream or available for collection, the amount collected, the amount accepted for processing, and the amount ultimately recycled, composted, reused, or placed in a verified end market. Reporting should also capture material type, collection channels, geographic access, transportation and processing costs, contamination and rejection



rates, and the final disposition of materials that cannot be recovered. Greater consistency in these measures would allow states to distinguish between increased collection and actual improvements in recycling performance, evaluate whether EPR investments are expanding system capacity, and compare outcomes across jurisdictions.

5.3 Program Scope, Fee Design, and Reporting in Canada- Alberta's Policies as a Case Study

Alberta's experience demonstrates that program scope remains iterative even in a mature EPR system. As policy implementation evolves, regulators revisit covered materials, product categories, and the boundaries between general and sector-specific programs in response to operational experience, market conditions, and collection-system performance. Alberta's recent reporting changes also illustrate the tradeoff between reducing administrative burden and maintaining data quality. Temporary reliance on producer attestations in place of third-party verification can lower early compliance costs and ease reporting transitions, but it also increases the importance of clear reporting rules, correction procedures, audit authority, and disclosure of material adjustments. Where verification requirements are relaxed, programs should establish a defined pathway to independent verification or risk-based auditing to preserve the reliability and comparability of reported data.

5.4 Opportunities for Cross-Border Data Coordination and Regulatory Learning

Interchange 360's role in Colorado and its connection to Canadian EPR program administration create a practical institutional link between the U.S. and Canadian systems. This presents an opportunity for cross-border learning on program design, implementation, and performance measurement. Over time, a shared framework for reporting supplied volumes, material available for collection, recovery, recycling, contamination, collection access, and end-market outcomes could improve comparability and support broader EPR harmonization between both countries.

Stakeholder interviews indicated strong interest in greater data sharing and policy coordination but also emphasized that U.S. EPR policies remain at an early and highly fragmented stage. Without greater federal coordination or common national reporting standards, experts do not expect formal cross-border data integration in the near term. In the interim, state agencies and PROs can still draw on Canadian policy experience and best practices to inform definitions, reporting practices, performance metrics, and how policies were amended over time as collection systems matured to advance EPR in the U.S.



6. Policy Priorities for EPR for Plastics Packaging

- The implementation of EPR policies in some U.S. states is creating an important opportunity for policy learning and refinement. As programs move from statutory design to operation, states are generating evidence on fee structures, PRO governance, collection-system investment, producer compliance, and performance measurement. Regulatory review, stakeholder engagement, and legal challenges can further clarify statutory intent, define the appropriate scope of PRO and agency authority, and identify where implementation rules require adjustment. States should use this early implementation period to incorporate feedback, establish measurable indicators of progress, and identify approaches that can inform EPR development in other jurisdictions.
- Realizing the full value of state-level policy innovation will require greater harmonization and coordination across programs. In the absence of a federal framework, states are developing EPR policies independently, resulting in differences in material definitions, reporting standards, performance metrics, and compliance requirements. While some variation is appropriate and supports policy innovation, greater harmonization in policy design and implementation is needed so that policy lessons and best practices can be transferred across states, program outcomes can be compared, and unnecessary compliance burdens are reduced.
 - States must account for how differing program requirements affect interstate commerce, transportation, reporting, and the movement of collected materials across state lines.
- States must define covered materials, producer obligations, fee-setting authority, reporting requirements, and regulatory accountability before programs begin collecting fees or assigning compliance responsibilities.
 - Within that framework, PRO governance and implementation rules should be reviewed and refined over time. States should establish clear initial requirements for PRO authority, program boundaries, producer representation, fee-setting, reporting, and regulatory review, while requiring periodic reassessment based on implementation experience, cost data, stakeholder feedback, appeals, and program performance. Fee methodologies and reporting requirements must also be reviewed, updated, and adjusted iteratively through transparent rulemaking or program-plan updates.
- Once this is achieved, states should also coordinate material definitions, reporting conventions, and performance metrics to improve interstate comparability and reduce duplicative compliance burdens for producers and manufacturers operating across multiple jurisdictions. Greater consistency would make it easier to compare performance, identify implementation gaps, and evaluate whether producer fees and system investments are producing measurable improvements in recycling outcomes.

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- EPR frameworks should require interoperable reporting systems and consistent measurement across programs. At a minimum, states should separately track material supplied, available for collection, collected, processed, recycled, rejected, and placed in verified end markets to distinguish collection activity from actual recovery outcomes.
 - Lessons from more mature Canadian EPR systems can inform this coordination, particularly around definitions of supplied material, material available for collection, recovery rates, collection access, and end-market outcomes. Drawing on these established reporting and measurement practices can help U.S. states build more consistent frameworks without requiring identical program structures.



List of Abbreviations and Acronyms

CAA – Circular Action Alliance

CalRecycle – California Department of Resources Recycling and Recovery

CDPHE – Colorado Department of Public Health and Environment

DEP – Maine Department of Environmental Protection

EPR – Extended Producer Responsibility

FDA – Food and Drug Administration

HB – House Bill

ILMA – Independent Lubricant Manufacturers Association

LPMA – Lubricants Packaging Management Association

NAW – National Association of Wholesaler Distributors

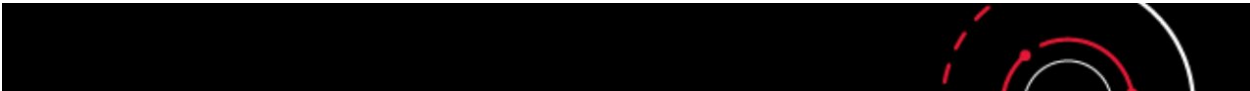
PEPRS – Packaging Extended Producer Responsibility System

PRO – Producer Responsibility Organization

RFI – Request for Information

RFP – Request for Proposal

SB – Senate Bill



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