

Packaging Extended Producer Responsibility Has Arrived in the U.S. – Now What?

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About AMERIPEN

AMERIPEN – the American Institute for Packaging and the Environment – is the only trade association focused exclusively on public policy for the entire U.S. packaging industry in order to promote the best use, benefits and functions of packaging.

We develop and advocate positions on issues related to packaging and the environment, using sound science and a philosophy of material inclusiveness.

Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies and end-of-life materials managers.

VISION: Packaging is recognized for all its benefits, including preventing waste and driving a circular economy.

MISSION: Be the leading voice for the packaging industry, using science to inspire, create and advocate for sustainable solutions for the packaging value chain.

Extended Producer Responsibility (EPR)

Shifts some level of the economic burden of managing products at EOL (collection, recycling, disposal) from local government and taxpayers to product producers.

Producers required to take partial (shared) or full financial and/or physical responsibility of their products at EOL.

May or may not incentivize changes to product's environmental (e.g., reduce, reuse, recycle) and/or health (e.g., toxics) attributes over its life cycle.

Common state EPR programs in U.S. include for hard-to-recycle (HTR) products include carpet, mattresses, mercury thermostats, paint – sometimes also referred to as **product stewardship**.

Packaging producer responsibility has existed in other jurisdictions (e.g., Canada and EU) for decades – **and officially arrived here in the U.S. in the summer of 2021.**

What Does it Do?

(depends on who you ask and what they want)

Forces changes in packaging types

Forces removal of toxic chemicals

Reduces plastics

Moves toward source reduction and reusable packaging

Funds environmental justice projects

Increases industry and consumer costs

Funds existing and expanded recycling programs

Drives greater packaging recovery and recycling – including through innovation

Helps companies meet their sustainability goals

Global Activity

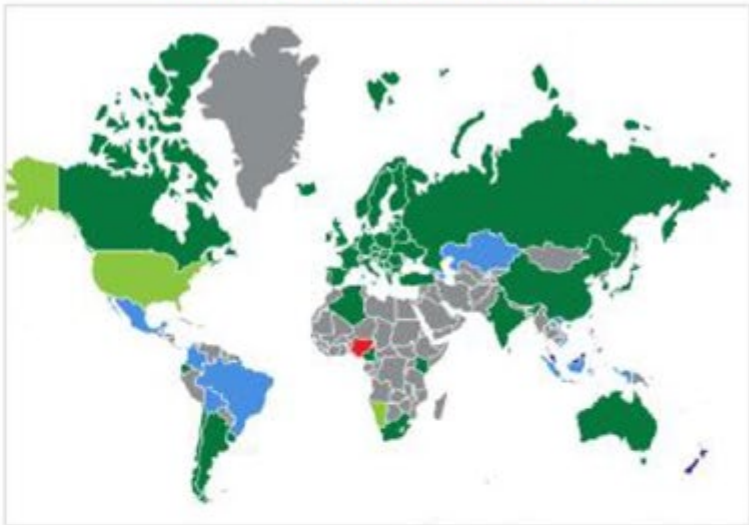
Packaging EPR in 2000



Packaging EPR in 2020

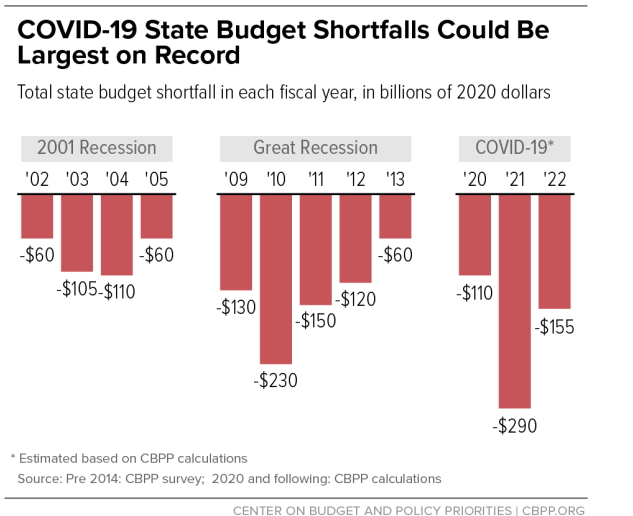
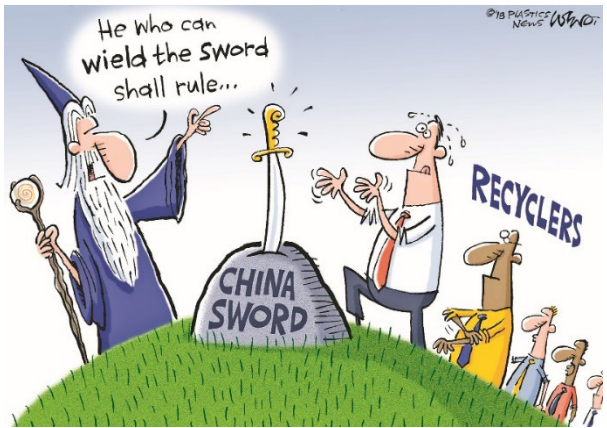


Packaging EPR in 2025



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Why Now in the U.S.?



Who Pays and How?

Brand Owner



Brand Trademark Licensee or Owner



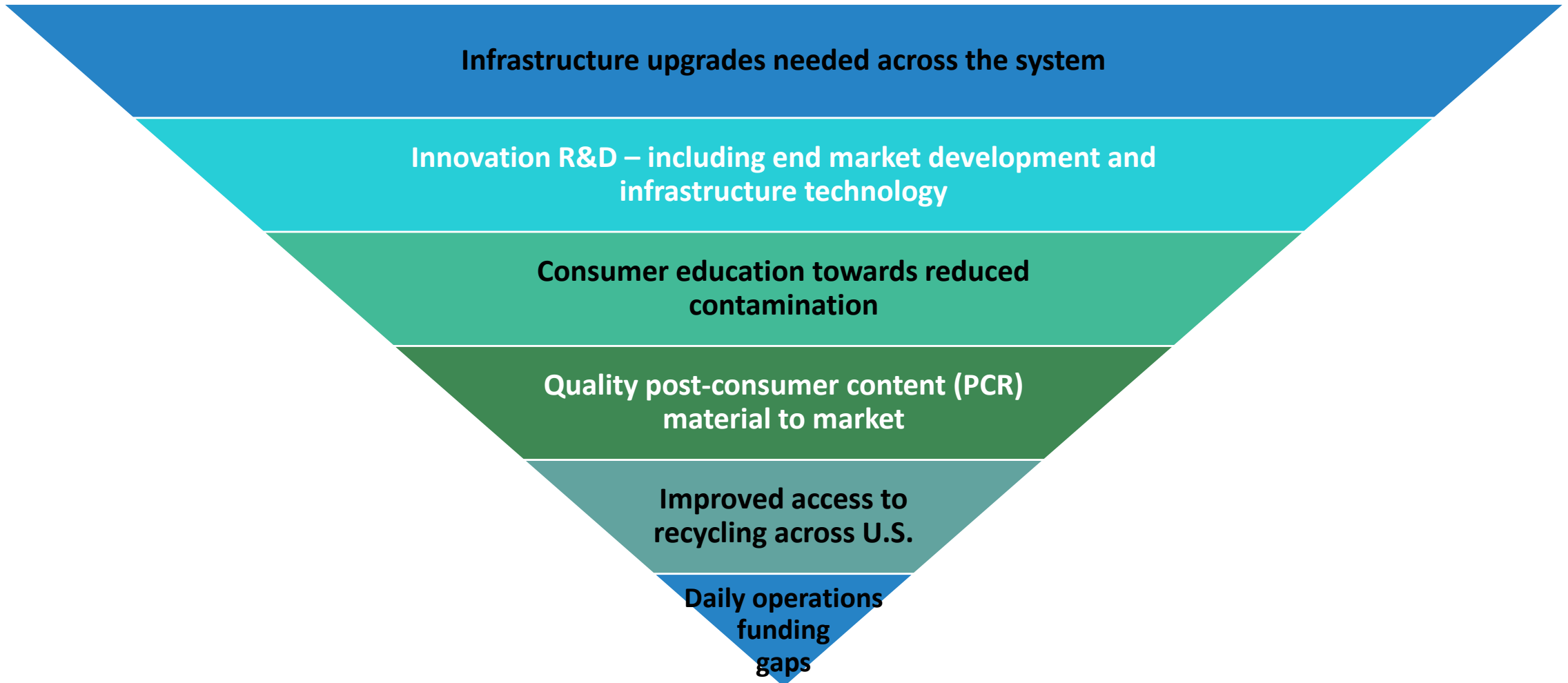
First Importer into State

Substrate/Weight Fee?

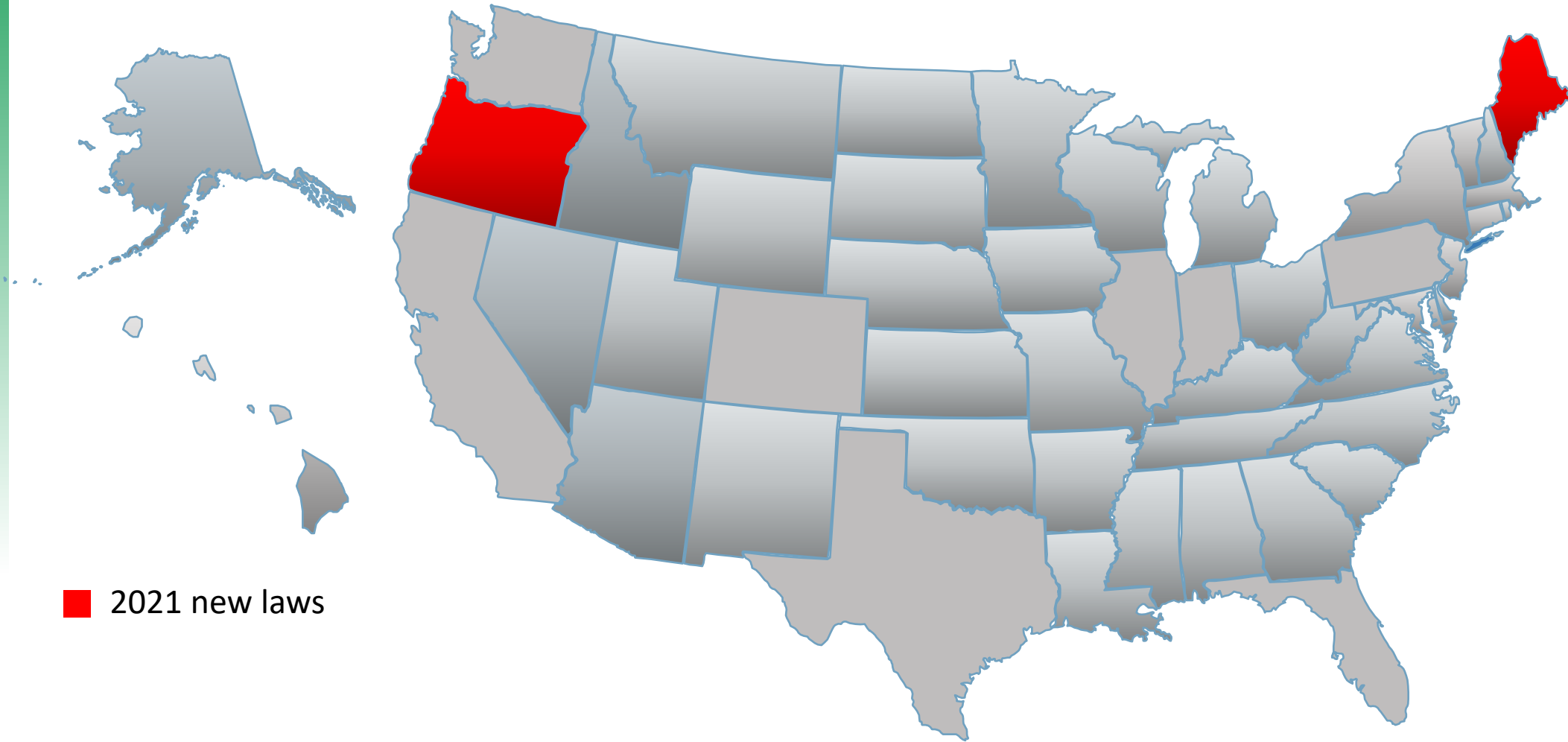
Per Item Fee?

Revenue Based Fee?

Where Should the Money Go?

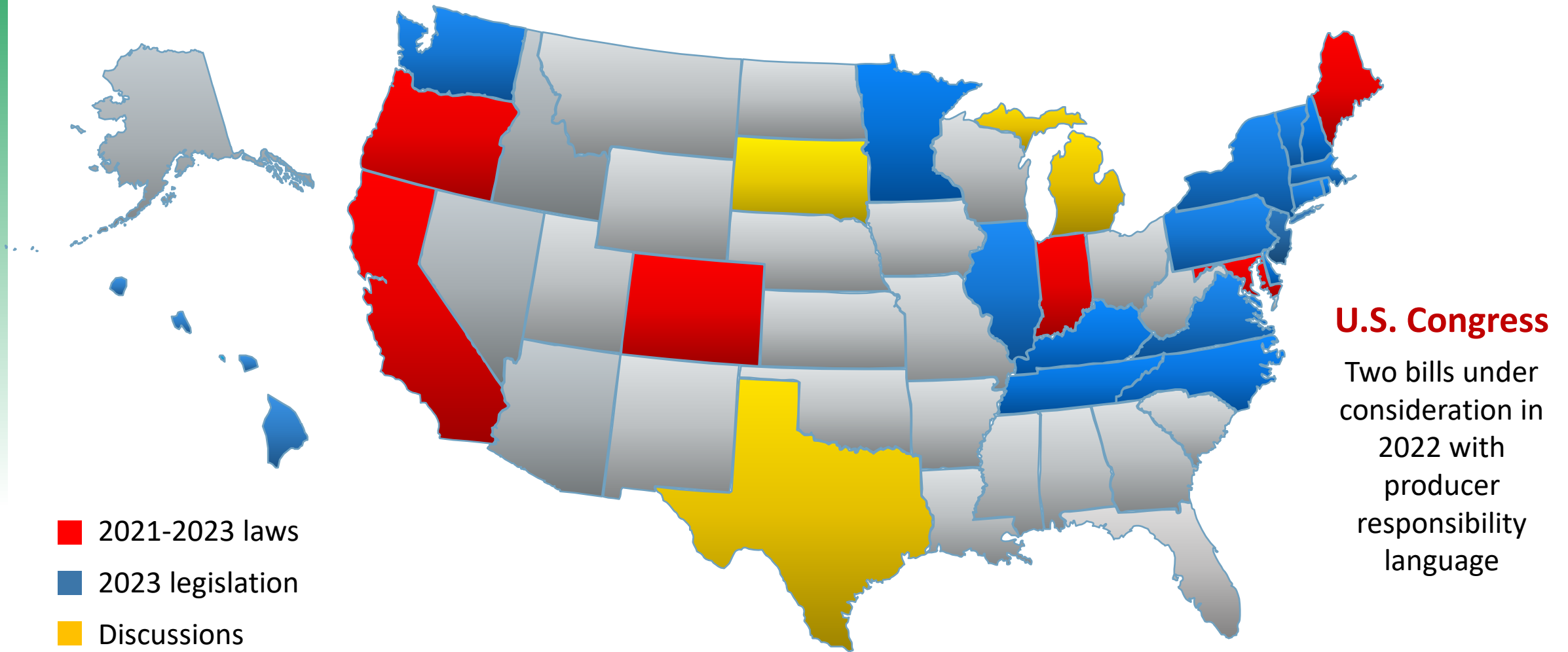


Packaging Producer Responsibility – U.S. Laws 2021



■ 2021 new laws

Packaging Producer Responsibility – U.S. Activity 2021-2023



- 2021-2023 laws
- 2023 legislation
- Discussions

Packaging Producer Responsibility – U.S. Laws Overview

	Maine	Oregon	Colorado	California
Signed Into Law	07/12/2021 – LD 1541	08/06/21 – SB 582	06/03/2022 – HB 1355	06/30/22 – SB 54
Covered Products	Packaging	Packaging, printed paper, food serviceware	Packaging, printed and other paper	Single use packaging, plastic food service ware
Producer Responsibility Organization (PRO)	Single under state contract	Multiple possible immediately	Multiple possible after 2028	Multiple possible after 2030
Producer Funding of System	100% current/expanded	30% expanded	100% current/expanded	100% expanded?
Producer Fees	Developed by state	Developed by PRO	Developed by PRO	Developed by PRO
Eco-Modulation	Allowed – PRO develops	Allowed – PRO develops	Allowed – state develops	Allowed – PRO develops
E-commerce	Included – undefined	Included – defined	Included –undefined	Included – defined?
Recycling Goals	State develops	In law for plastic	PRO develops	In law for plastic
Source Reduction	Not specifically	Not specifically	Not specifically	In law for plastic – 25%
Producer Compliance	Fall 2026	July 2025	July 2025	January 2027
Is it EPR?	No	Yes – but not ideal	Yes – but not ideal	Yes – but not ideal

Packaging Producer Responsibility – U.S. Laws 2023

Illinois

- Not full packaging EPR – groundwork law for possible future legislation and law.
- Establishes Advisory Council and conducts needs assessment by December 2025.

Maryland

- Not full packaging EPR – groundwork law for possible future legislation and law.
- Establishes PRO, Advisory Council and conducts needs assessment by December 2024.

Packaging Producer Responsibility – 2023 Implementation

Oregon – Recycling System Advisory Council (ORSAC), Rulemaking Advisory Committee (RAC) and Technical Workgroup on Materials Lists all have met regularly – **AMERIPEN** engaged in all, including seat on ORSAC. First rulemaking comment period now closed, and second period has begun. State has accepting applications from proposed PROs.

Colorado – Advisory Board named in December – rulemaking stakeholder meetings began in March – drafting of primary rules begins later this year – PRO applications submitted in April and single PRO announced May 1 – Circular Action Alliance (CAA) – **AMERIPEN** engaged.

Maine – 18-month stakeholder engagement process began in December – **AMERIPEN** engaged – formal rulemaking has begun with first proposed draft rule now released – more coming soon.

California – informal stakeholder meetings and rulemaking workshops underway – formal rulemaking begins in early 2024 or sooner – Advisory Board named in July – **AMERIPEN** engaged.



THANK YOU!

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