

GO - GREEN PACKAGING



Understanding EPR:

What Food and Beverage Brands Need to Know

A practical guide to Extended Producer Responsibility, your obligations, and how to reduce compliance costs through smarter packaging choices.

March 2026 | Covers: CO, OR, CA, ME, MN, MD, WA

Legal Disclaimer

This document is for informational purposes only and does not constitute legal advice. EPR laws are evolving through active rulemaking. Consult qualified legal counsel before making compliance determinations. All information is current as of March 2026.

1. What Is Extended Producer Responsibility?

Extended Producer Responsibility, or EPR, is a policy framework that shifts the cost and responsibility for managing packaging at end-of-life from municipalities and taxpayers to the companies that produce and sell packaged goods. In plain terms: if your product reaches a consumer in packaging, you are now responsible for funding what happens to that packaging after it is used.

EPR programs are funded through fees paid to a Producer Responsibility Organization (PRO). The PRO collects those fees and directs them to recycling infrastructure, municipal collection programs, and program administration. Fees are calculated based on the weight and material type of packaging a company introduces into a given state each year and are adjusted up or down based on how recyclable or sustainable that packaging is.

Seven US states have enacted packaging EPR laws. Three programs are already issuing fees (Oregon since July 2025, Colorado since January 2026). The rest are in development, with timelines ranging from 2027 to 2030. An additional ten or more states are actively considering legislation.

Key Terms

Term	Definition
EPR	Extended Producer Responsibility. The policy framework holding brand owners financially responsible for end-of-life packaging management.
Producer	Any company that manufactures, imports, or licenses a product sold to consumers in covered packaging. Food and beverage brands are almost always producers.
PRO	Producer Responsibility Organization. The nonprofit entity (often industry-funded) that collects fees from producers and funds recycling programs. CAA is the PRO in CO, OR, and ME.
CAA	Circular Action Alliance. The industry-backed PRO selected to run programs in Colorado, Oregon, and Maine.

Term	Definition
Covered Material	The packaging types subject to EPR fees: plastic, glass, metal, paper, and other packaging materials sold to consumers in a given state.
Eco-Modulation	Fee adjustments that reward sustainable packaging choices with lower fees (bonuses) and penalize hard-to-recycle materials with higher fees (maluses).
MRL	Minimum Recyclable List. Colorado's list of packaging materials accepted for recycling by at least 60% of state residents. MRL materials qualify for lower fees.
AML	Additional Materials List. Materials accepted by some but not all programs. Producers using AML materials pay higher fees.
Malus	An upward fee adjustment applied to packaging that disrupts recycling or is made from low-recyclability materials.

2. Are You a Producer (Brand Owner)?

Under all seven state EPR laws, a 'Producer' (Brand Owner) is broadly defined. If any of the following apply to your business, you are almost certainly a Producer (Brand Owner) with compliance obligations:

- You sell products to consumers under your own brand name
- You import products from outside the US and sell them domestically
- You hold an exclusive license to sell a product in the US under your own brand

What This Means for Food and Beverage Brands

Companies like food processors, meat producers, meal kit providers, and packaged goods brands are among the most commonly obligated producers under EPR law. If your product reaches a retail consumer in any form of packaging (plastic trays, cardboard boxes, film wrap, glass jars, clamshells, flexible pouches), that packaging is likely covered. This applies regardless of whether you manufacture the packaging yourself or source it from a supplier.

What If You Are Below the Small Producer Threshold?

Each state provides a small producer exemption based on annual gross revenue and, in most states, the weight of covered material introduced per year. Businesses below both thresholds are fully exempt from fees and reporting.

State	Revenue Threshold	Tonnage Threshold	Logic	Fee Start
Colorado	< \$5.32M	< 1 ton/yr	OR (either)	Jan 2026
Oregon	< \$5M	< 1 ton/yr	AND (both)	Jul 2025
California	< \$5M	< 1 ton/yr	OR (TBD)	Jan 2027
Maine	< \$2M	< 1 ton/yr	AND (both)	2027
Minnesota	< \$5M	None	Revenue only	2029
Maryland	< \$2M	< 1 ton/yr	OR (either)	TBD
Washington	TBD	TBD	TBD	~2030

3. What Producers (Brand Owners) Are Required to Do

Producers (Brand Owners) with obligations under EPR law must complete three core activities each year. These apply in every state where a program is active or comes online.

Step 1: Register with Your State's PRO

Producers (Brand Owners) must register with the designated PRO (currently CAA in CO, OR, and ME) and provide basic company and product information. Registration deadlines vary by state. In Colorado, registration was required before fees began in January 2026. In Minnesota, the registration deadline was July 1, 2025, even though fees will not begin until 2029.

Step 2: Report Packaging Data Annually

Each year, Producers (Brand Owners) must submit a detailed report covering all covered packaging introduced into the state during the prior calendar year. The report must include:

- Total weight of each packaging material type (plastic, paper, glass, metal, other)
- Material subcategory (e.g., rigid PP, flexible film, corrugated cardboard, HDPE bottles)
- Whether each material type is on the state's recyclable materials list
- Percentage of post-consumer recycled content, where applicable
- Whether packaging carries a qualifying sorting label (e.g., How2Recycle)

In Colorado, 2026 supply data is due May 31, 2026. This data directly determines your January 2027 invoice. Inaccurate or incomplete reporting can result in higher fees or penalties.

Step 3: Pay Annual Fees

Fees are calculated by multiplying the weight of each material category you reported by the applicable per-pound fee rate, then applying any eco-modulation bonuses or maluses. Fees are invoiced annually by the PRO. Oregon issued its first invoices in July 2025. Colorado's first invoices went out in January 2026.

Non-Compliance Penalties

Failure to register, report, or pay fees can result in significant penalties. Colorado and Oregon both provide for penalties up to \$25,000 per day per violation. In Colorado, producers that are not registered with the PRO may be prohibited from selling products in the state. These are not theoretical risks: enforcement mechanisms are active in both states.

4. How EPR Fees Are Calculated

Fees have two components: a base fee and an eco-modulation adjustment.

Base Fees

Base fees are charged per pound of packaging material introduced into a state. Rates vary by material category. The following are Colorado's published 2026 base fee rates, which are among the most detailed publicly available:

Material Category	CO Base Fee	List Status	Common Applications
Aluminum containers	2.1 cents/lb	MRL	Cans, foil trays
Corrugated cardboard	8.3 cents/lb	MRL	Shipping boxes, secondary packaging
HDPE bottles, jugs, jars	14.6 cents/lb	MRL	Jugs, wide-mouth containers
PET bottles and jugs, clear (#1)	~16-22 cents/lb	MRL	Clear beverage, sauce, and juice bottles
PET thermoforms, clear (#1)	~16-22 cents/lb	MRL	Clear clamshells, deli trays, produce containers
PET thermoforms, colored or opaque (#1)	~24-34 cents/lb	AML	Colored or opaque trays — color is the key dividing line
PP rigid packaging (#5)	~20-26 cents/lb	MRL	Trays, tubs, caps, clamshells
PP flexible / film	~30-45 cents/lb	AML	Pouches, wraps, bags
EPS foam / polystyrene (#6)	~40-60 cents/lb	AML	Foam trays, cups, protective packaging
PVC rigid plastic	~35-50 cents/lb	Malus	Not recommended: +5% penalty fee

Source: G&A Institute / CAA Colorado Base Fee Table, February 2026; CAA Colorado Program Plan (Dec 2025), Chapter 7. Clear PET thermoform containers are explicitly listed on Colorado’s MRL alongside clear PET bottles. Colored and opaque PET thermoforms are AML. EPS foam fee is estimated based on AML status and low commodity value. All rates subject to annual revision.

Eco-Modulation: How Packaging Choices Affect Your Bill

On top of base fees, states apply eco-modulation adjustments. These are designed to create a financial incentive for producers to choose packaging that is easier to recycle. In Colorado, Producers (Brand Owners) can receive bonuses (fee reductions) for:

- Using packaging materials that are on the Minimum Recyclable List (MRL)
- Reducing overall packaging weight or material use
- Incorporating post-consumer recycled content
- Applying a qualifying sorting label (such as How2Recycle) that meets state standards

Conversely, packaging that disrupts recycling systems, contains hazardous substances, or is made from materials with low recyclability may incur a malus (fee increase). PVC rigid plastic, for example, carries a mandatory +5% fee surcharge in Colorado.

Practical Impact

A producer shipping 50,000 lbs of PP rigid tray packaging into Colorado each year would pay an estimated \$10,000 to \$13,000 at base rates. Switching to MRL-listed materials with a How2Recycle label and recycled content could reduce that figure by up to 10%. Conversely, using non-MRL or AML-listed materials could increase the same bill by 30-50%.

5. State-by-State Snapshot

The following table summarizes the current status and most important near-term actions for Producers (Brand Owners) in each state.

State	Status	Small Producer Threshold	Next Key Date	What Producers (Brand Owners) should do now
Colorado	Active	< \$5.32M or < 1 ton/yr	Supply data due May 31, 2026	Register with CAA. Gather 2026 packaging weight data by material type.
Oregon	Active	< \$5M and < 1 ton/yr	2025 data due May 31, 2026	Register with CAA. Note: NAW injunction covers wholesaler members only. All other producers remain obligated.
California	Rulemaking	< \$5M or < 1 ton/yr (TBD)	Early fees expected mid-2026	Monitor CalRecycle rulemaking. Begin inventory of plastic packaging SKUs. Note SB 343 labeling restrictions effective Oct 2026.
Maine	Rules adopted	< \$2M and < 1 ton/yr	PRO registration due May 2026	Register with CAA. Maine's 2025 amendment excluded most B2B/industrial packaging.
Minnesota	Developing	< \$5M revenue only	Fees not until 2029	Registration deadline was July 2025. Confirm registration status with CAA even though fees are not yet due.
Maryland	Early stage	< \$2M or < 1 ton/yr	Registration expected Jul 2026	Monitor program development. No rulemaking has commenced.
Washington	Pre-rulemaking	TBD (limited exemptions)	PRO joining due Jul 2026	Do not assume exemption. Washington has more limited small-producer thresholds than other states.

6. How to Reduce Your EPR Compliance Costs

EPR fees are not fixed. Producers (Brand Owners) who make intentional packaging decisions can meaningfully reduce their annual fee exposure. The following strategies are available today.

Choose MRL-Listed Materials

In Colorado, materials on the Minimum Recyclable List qualify for lower base fee tiers and are eligible for eco-modulation bonuses. PP rigid packaging (#5) is on Colorado's MRL. Packaging made from materials that are not on the MRL, or that are on the Additional Materials List, will incur higher fees. Review each material in your packaging portfolio against the applicable state list.

Add Qualifying Sorting Labels

Colorado provides a fee bonus for packaging that carries a clear, approved sorting label that accurately communicates how the packaging should be disposed of. How2Recycle is the most widely accepted labeling system across EPR states. As of 2025, How2Recycle has more than 800 members and its label is recognized by approximately 8 in 10 American consumers. Research indicates that 61% of consumers report changing their recycling behavior as a result of seeing a How2Recycle label.

Incorporate Post-Consumer Recycled Content

Most state eco-modulation frameworks provide fee bonuses for packaging that incorporates post-consumer recycled (PCR) content. The higher the PCR percentage, the larger the potential bonus. This also reduces the carbon intensity of your packaging, which has value for Scope 3 emissions reporting and sustainability disclosures.

Reduce Overall Packaging Weight

Because EPR fees are calculated per pound, reducing the total weight of packaging you introduce into a market directly reduces your fee exposure. Lightweighting, right-sizing, and eliminating unnecessary secondary packaging all contribute to a lower fee base.

Work With EPR-Aware Suppliers

Your packaging supplier directly influences your EPR fee calculation. Suppliers who design for recyclability, use MRL-listed materials, and provide accurate material and weight data make it easier and less expensive for you to comply. Suppliers who cannot provide material-level data by weight create compliance risk, as fees cannot be accurately calculated or reported without this information.

Data You Will Need From Your Packaging Supplier

To accurately report and calculate your EPR fees, you need the following from each packaging supplier: (1) material type and subcategory for every SKU (e.g., PP rigid, HDPE, corrugated), (2) weight per unit in pounds, (3) MRL or AML status in each applicable state, (4) post-consumer recycled content percentage, and (5) whether a How2Recycle or equivalent label is applied. Ask your supplier for this data now, before reporting deadlines arrive.

7. Common Exemptions Relevant to Food and Beverage Producers (Brand Owners)

Several packaging categories commonly used in the food and beverage industry carry specific exemptions across most or all EPR states. The following apply broadly, though exact conditions vary by state.

Exemption Category	Details
Medical / Dietary Supplement Packaging	Packaging for drugs, medical devices, biologics, diagnostics, and dietary supplements regulated under federal law (FDA) is excluded in all 7 states. This includes packaging for protein supplements, medical nutrition products, and similar items.
Bottle Bill / Deposit Containers	Primary packaging for beverages covered under a state bottle deposit or container return program is excluded. Note: secondary and tertiary packaging (cases, shrink wrap) is generally not excluded.
Hazardous Material Packaging	Packaging for products classified as hazardous under federal or state law is excluded in all 7 states.

Exemption Category	Details
Small Producer Exemption	Producers below state revenue and tonnage thresholds are fully exempt from fees and reporting. Thresholds range from \$2M to \$5.32M in revenue depending on the state. See Section 2 for a full table.
B2B and Industrial Packaging	Packaging used solely in business-to-business transactions that never reaches an end consumer is excluded in most states, most explicitly in Colorado. Packaging sold directly to retail consumers is always in scope.
Transport Packaging	Pallets, pallet wrap, and packaging used purely for transportation or distribution (not sold to or discarded by consumers) is excluded in most states. Colorado provides the clearest statutory exclusion.

⚠ California Labeling Restriction (Effective October 2026)

California SB 343 prohibits the use of the chasing-arrows recycling symbol and terms such as 'recyclable' or 'compostable' on any packaging sold in California unless CalRecycle has specifically approved that material. This affects labeling on packaging sold in California regardless of whether the material itself is in scope for EPR fees. Review all California-bound packaging labels before October 2026.

8. Key Dates and Action Timeline

Date	Action Required
Now	Confirm registration status with CAA for CO, OR, and ME. If not registered, register immediately.
May 31, 2026	Colorado and Oregon: 2025/2026 supply data reports due to CAA. Requires packaging weight data by material type and subcategory.
October 2026	California: SB 343 labeling restrictions take effect. Remove or update non-compliant recycling claims on CA-bound packaging.
Mid-2026	California: Early EPR fees expected based on 2025 supply data.
July 2026	Maryland and Washington: Producer PRO registration expected to open.
January 2027	Colorado: 2027 fee invoices issued, based on 2026 supply data.
January 2027	California: Full EPR fees begin under SB 54.
2027	Maine: Full program fees expected to begin.
2029	Minnesota: Full program fees expected to begin.
~2030	Washington: Full program operations expected to begin.

Prepared by Go-Green Packaging

This document was prepared to help our customers understand their EPR obligations and make informed packaging decisions. For questions about specific packaging materials, data collection, or EPR compliance support, contact your Go-Green Packaging sales representative.

Sources: CAA Producer Resource Center; G&A Institute (Feb 2026); Oregon DEQ; CDPHE HB22-1355; CalRecycle SB 54 and SB 343; Sustainable Packaging Coalition / How2Recycle; Faegre Drinker (Sept 2024); Proskauer Rose (Oct 2025). Current as of March 2026.