

# Deadline Quickly Approaching for Extended Producer Responsibility Reports

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**PRACTICES** Environmental, Food, Beverage and Restaurant

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In recent years, Extended Producer Responsibility (EPR) laws have gained significant traction as a strategy to manage waste and promote sustainable recycling. Recently, these laws have focused on packaging, including plastics packaging. Five states (CA, CO, ME, MN and OR) are implementing new EPR laws that require producers of items sold in packaging (Producers) to pay fees tied to the amount of packaging they sell into the state with such laws. Producers must submit a yearly report containing specific data about their packaging. These reports will be used to calculate the Producers' yearly fees. The first EPR reporting deadline—in Oregon—is March 31, 2025. Companies need to carefully evaluate their supply and distribution chains to determine if they are covered by EPR packaging laws.

Oregon's EPR law, the Plastic Pollution and Recycling Modernization Act, is the first to be implemented. The Oregon EPR law covers packaging, paper and food serviceware. With the first reporting deadline less than two months away, entities need to determine if they are required to report. To make this determination, an entity should confirm that it: (1) sells covered items in Oregon and (2) is the Producer for those items.

Oregon's EPR law covers a broad range of packaging, printing and writing paper, and food serviceware. The list of covered materials includes plastics, glass, ceramics, Styrofoam, cardboard, newspapers and items used to serve or store food. The law also covers the recycling of bulk shipping materials, such as materials used to ship pallets of goods.

Once an entity determines that it sells covered items in Oregon, it must then determine whether it is the Producer that is obligated to report (Obligated Producer). Oregon's definition of Obligated Producer depends on the type of material being regulated: (1) for packaging, the Obligated Producer is generally either the manufacturer of the item sold in the packaging (note that this is not the manufacturer of the package itself), or the owner or licensee of the brand under which the item is sold; (2) for paper products, the Obligated Producer is either the publisher or manufacturer of the paper; and (3) for food serviceware, the Obligated Producer is generally the first party that sells the item in the state. The definition of Obligated Producer also differs for bulk shipping materials and items shipped directly to a consumer in the state.

Lawyers in Haynes Boone's [Environmental](#) and [Food, Beverage and Restaurant](#) practice groups are working to help entities in the distribution chain of potentially covered goods understand their responsibilities under the various EPR laws across the country. For more information or assistance on this topic, please contact a member of our [Environmental](#) or [Food, Beverage and Restaurant](#) practice groups.