

Developments in EPR and PFAS Laws & Regulation

Texas Environmental Superconference 2026

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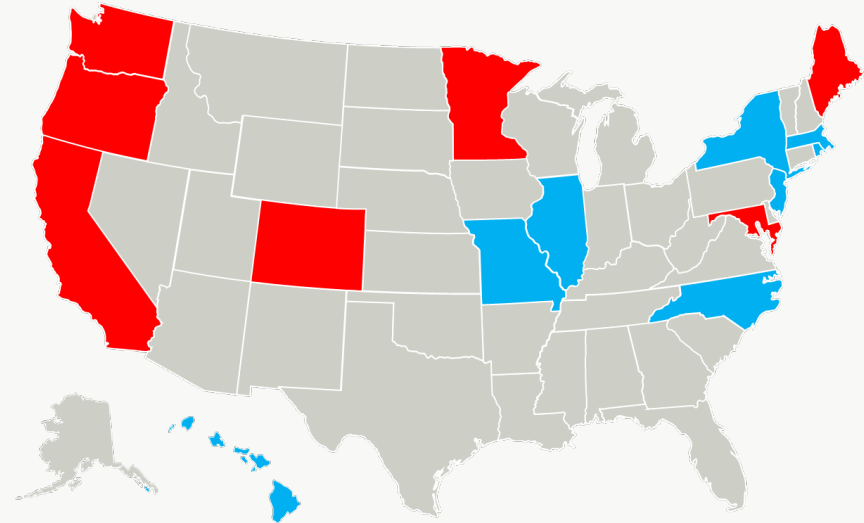
Developments in Extended Producer Responsibility (“EPR”)

U.S. State Extended Producer Responsibility Laws

State Extended Producer Responsibility (“EPR”) laws for paper and plastic packaging shift the responsibility of managing the disposition (recycling, composting, reusing, refilling) of post-consumer product packaging from taxpayers and municipalities to retailers and manufacturers. Producers are required to provide funding and/or arrange for recycling services *in exchange for the right to sell or distribute products*.

So far:

California
Colorado
Maine
Maryland
Minnesota
Oregon
Washington



States highlighted in blue are considering EPR legislation.

EPR – Big Picture

01

Why Should I Care About These Laws?

Each state has a “Hammer Date,” which is the date a state will no longer allow a producer to sell, offer for sale, import, or distribute its product into a state if the producer does not comply with the applicable EPR law.

02

What Happens If I Do Not Comply?

All states impose penalties, ranging from \$5,000-\$50,000 per violation, per day. Most states allow enforcement through administrative and civil actions. Many states require listing noncompliant producers on websites or in annual reports.

03

Am I exempt?

It depends. Each state has different exemptions available. Typically, states exempt packaging for certain products regulated by FDA, DOT, OSHA, and EPA pursuant to FIFRA. Some states exempt materials that cannot comply with the law for health and safety reasons, or because it is unsafe to recycle.

Overview of State Programs

	California	Colorado	Maine	Maryland	Minnesota	Oregon	Washington
Registration Required?	Yes	Yes	No	Yes	Yes	Yes	Yes
Initial Reporting Deadline Passed?	Yes	Yes	No	Yes	Yes	Yes	Yes
Source reduction required?	Yes	TBD	No	Yes	Yes	No	Yes
Business-to-Business covered?	Yes	No	Limited	No	No	Yes	No

EPR – What Just Happened and What's Next

Recent

May 31, 2026 – Multiple deadlines

- California registration effective deadline + baseline report
- Annual supply reports – CA, CO, OR
- Interim Producer Reports – MD, MN, WA

Soon

California – Individual source reduction plans due August 1, 2026.

Washington – First fee payment deadline September 1, 2026.

Maine – Registration and initial fee payment deadline expected by year-end.

2027 – “rinse and repeat”

Litigation

Oregon (NAW)

Preliminary injunction in place for plaintiffs

Merits trial July 13-16

Briefing on due process issues due Jul 31

Court expected to rule soon

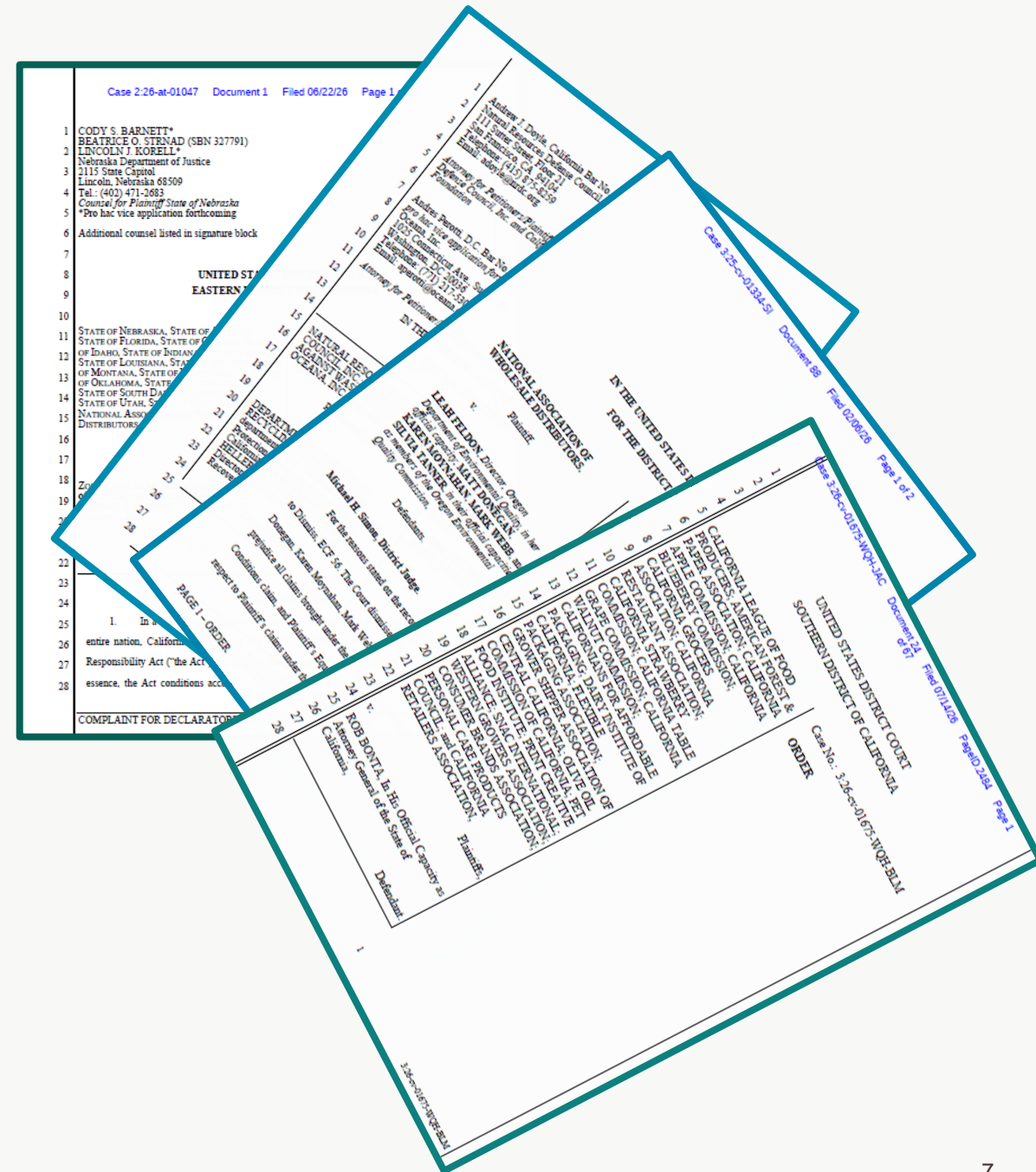
California

State AGs

NGOs

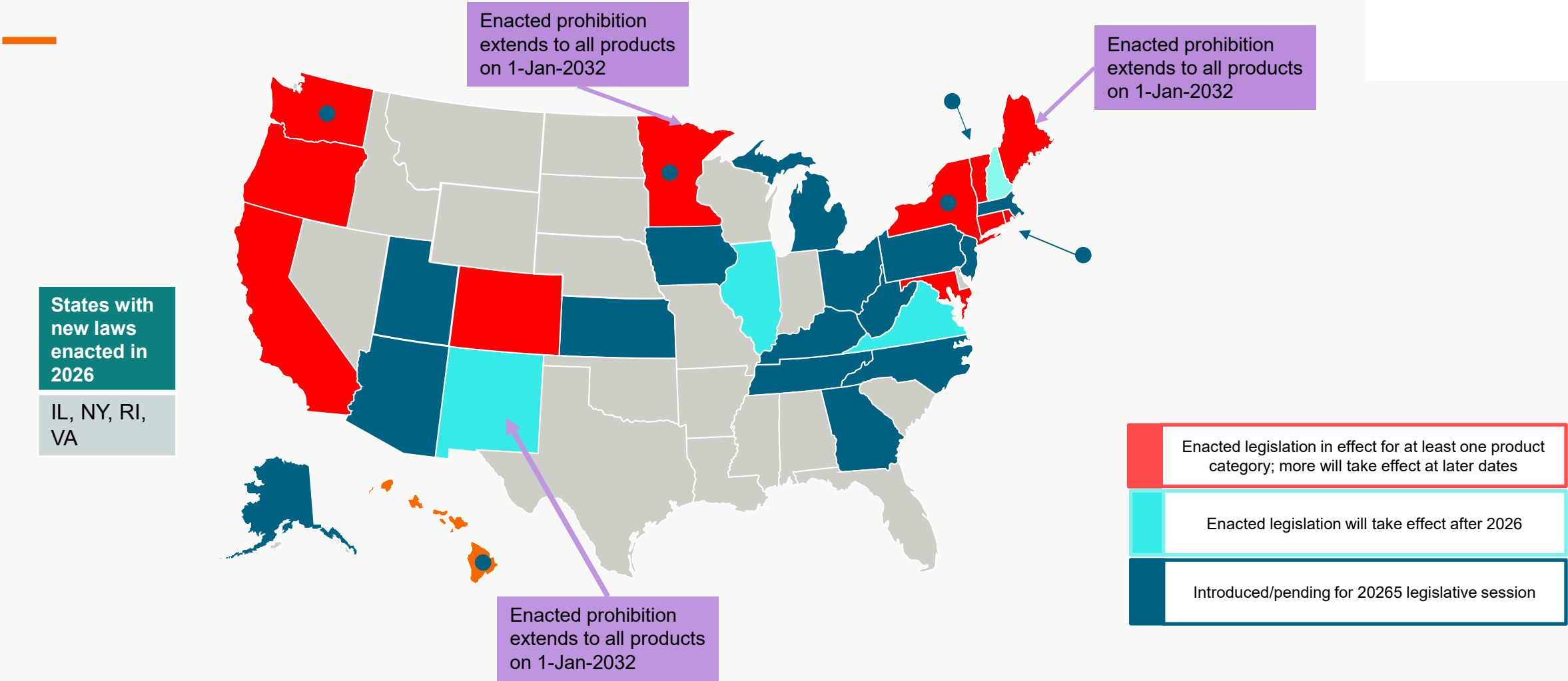
SB343

Colorado (ILMA, NAW) – Claims similar to OR



Developments in PFAS Laws & Regulation

U.S. State Prohibitions/Reporting Concerning Products*



* As of 07-25-2026; does not include firefighting foam prohibitions

PFAS in Products Laws – Key Points

Focus on:

Currently unavoidable use approach

Reporting

Labeling

Litigation – NM labeling requirement

Implications

Consumer fraud/greenwashing lawsuits

Due diligence



PFAS – Federal Focus

TSCA Reporting Rule

EPA intends to finalize by end of year; exemptions expected to stay in rule

Reporting window closes ~June/July 2027 (depends on final rule)

Safe Drinking Water Act

EPA keeping PFOS and PFOA, rescinding remainder

CERCLA Hazardous Substances Designation

EPA retaining rule

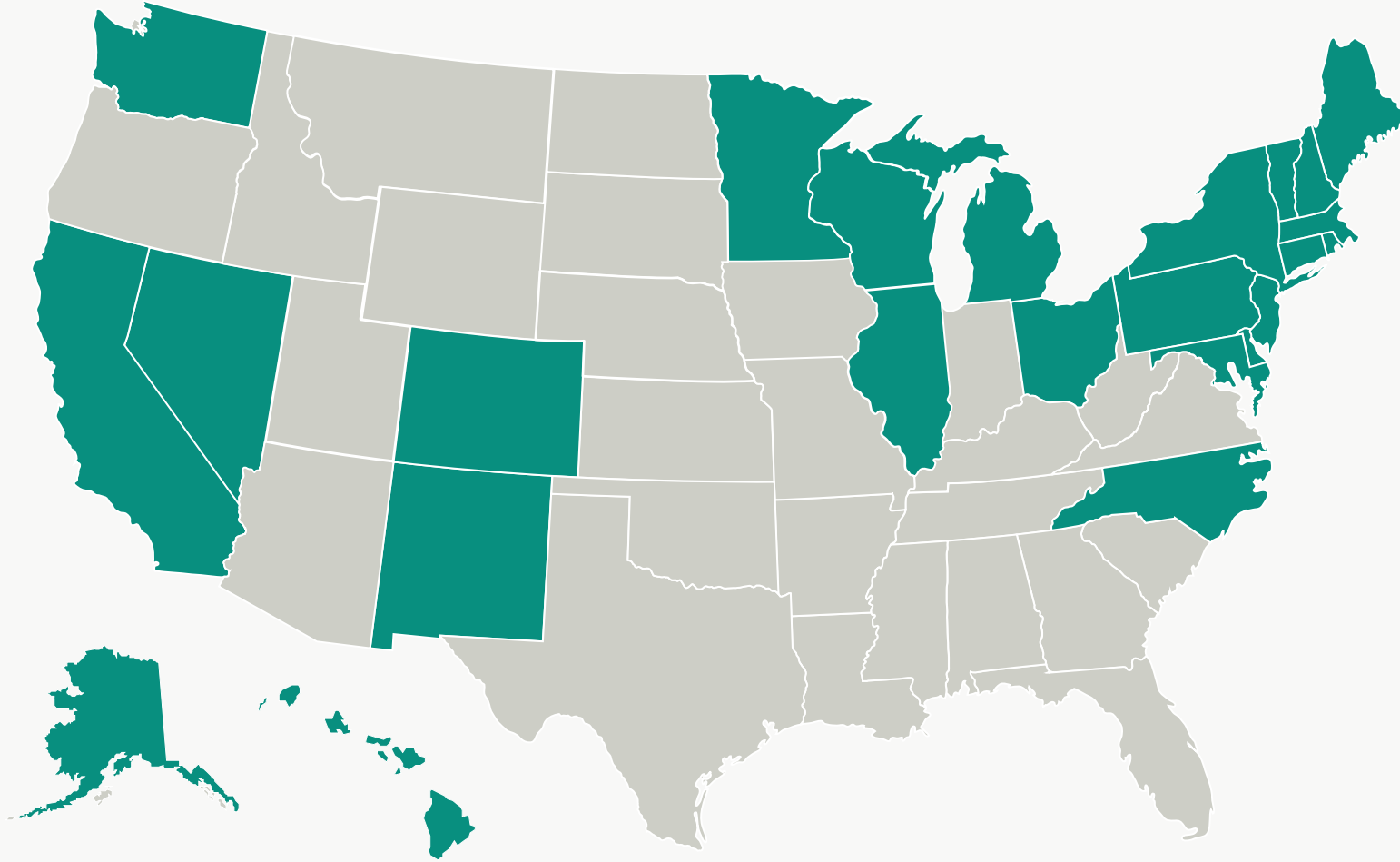
Litigation

Defending regulations

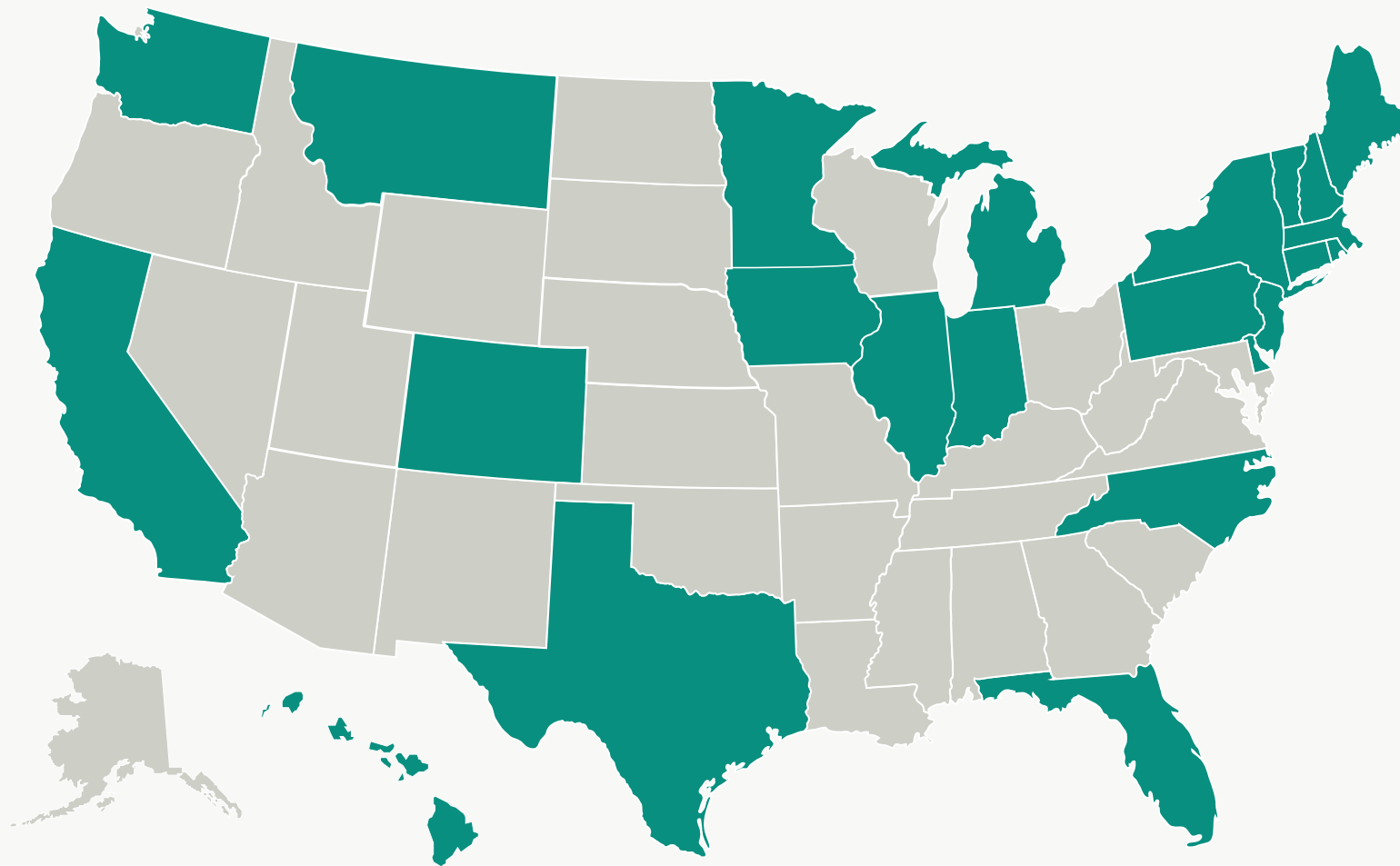
Enforcement – focus on manufacturers

Other Issues – Biosolids workgroup, passive receiver liability, state funding

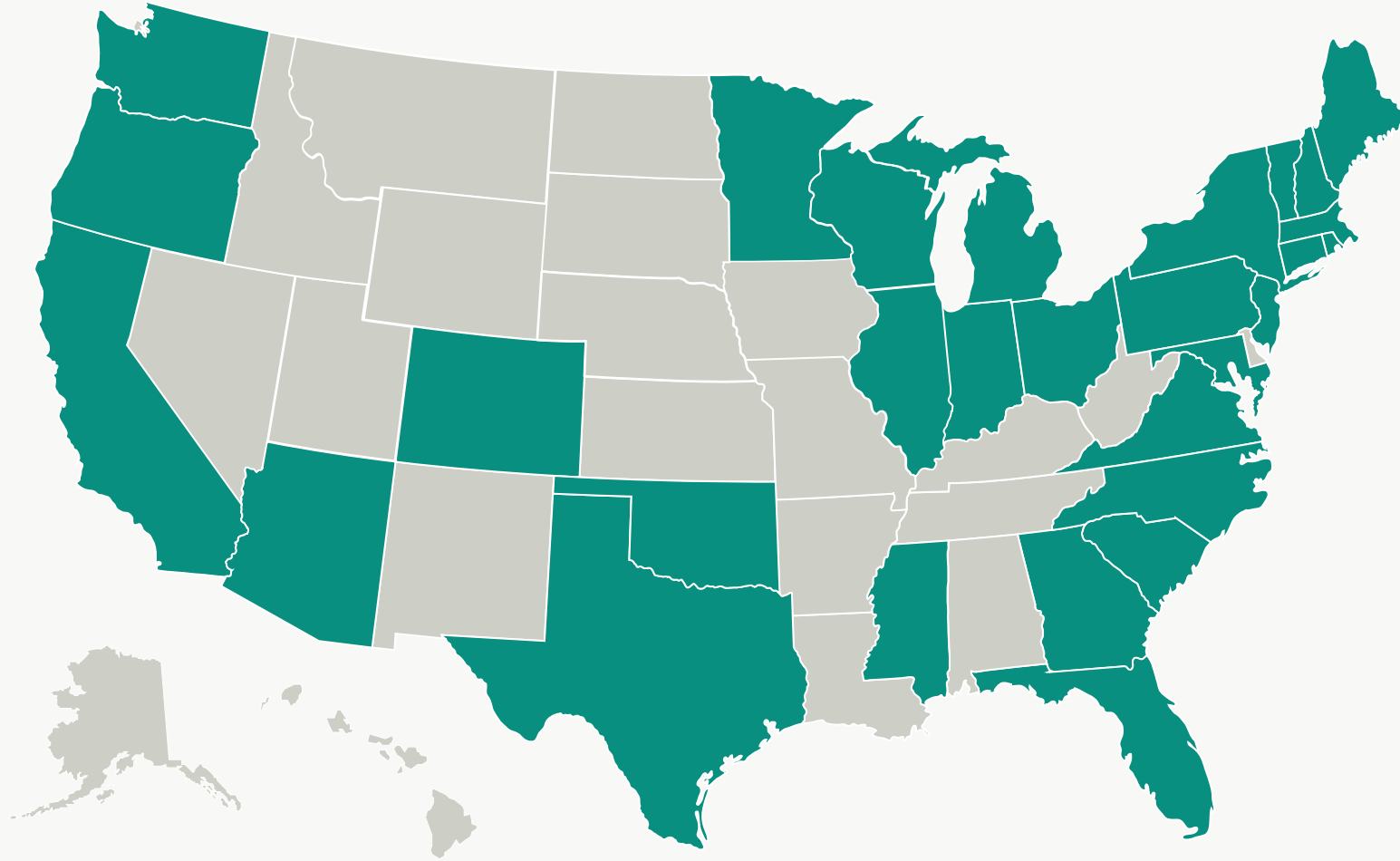
States with PFAS Drinking Water Standards



States with PFAS Groundwater Standards/Guidance



States with PFAS Biosolids Initiatives



PFAS in the Environment – States' Focus on ...

Biosolids

Funding for
drinking water
systems

Tracing sources

Implications

Supply chain
expectations

Enterprise risk
management

Litigation

Chemical and Product Regulation

Let's Discuss