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EPR State of Play

North America



We sit at the intersection of
regulation, packaging data
and implementation

The Raan Group of Companies: **Full-Service Consulting and PRO Expertise**

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BY THE NUMBERS

2002

Founded

10

Locations

250+

Colleagues

270M+

Turnover



Europe

PRO + Consulting



Canada

PRO + Consulting



United States

PRO + Consulting

Decades of experience in advising *industry* on the implications of *EPR policies*

Combined North American Consulting

We provide fully integrated coverage across North American markets



Mexico: In **January 2026, Mexico enacted the **General Law on Circular Economy (LGECE)**.*

STRATEGY & MONITORING

- EPR Strategy
- Policy Monitoring
- Data Gathering & Reporting
- EPR Readiness Assessments / Prior Year Reporting Audit

CANADA

- Federal Plastics Registry (Canada)
- WEEE / Battery Reporting (Canada)
- PFAS

UNITED STATES

- Deposit Return Scheme (DRS) "Bottle Bill" Consulting
- Packaging Transformation / Fee Mitigation
- Individual Source Reduction Plan (California)
- EPR for Textile / SB 343 "Truth in Labelling" (California)



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Our Experts



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Disclaimer

Regulatory legislation in North America is evolving rapidly. RecycleMe / Reclay StewardEdge has made every effort to ensure the accuracy and timeliness of the information provided; however, it is intended for general informational purposes only and should not be interpreted or relied upon as legal advice.



EPR In The US

Calm After the Storm – August 2026



Presented by:
Jason Bergquist
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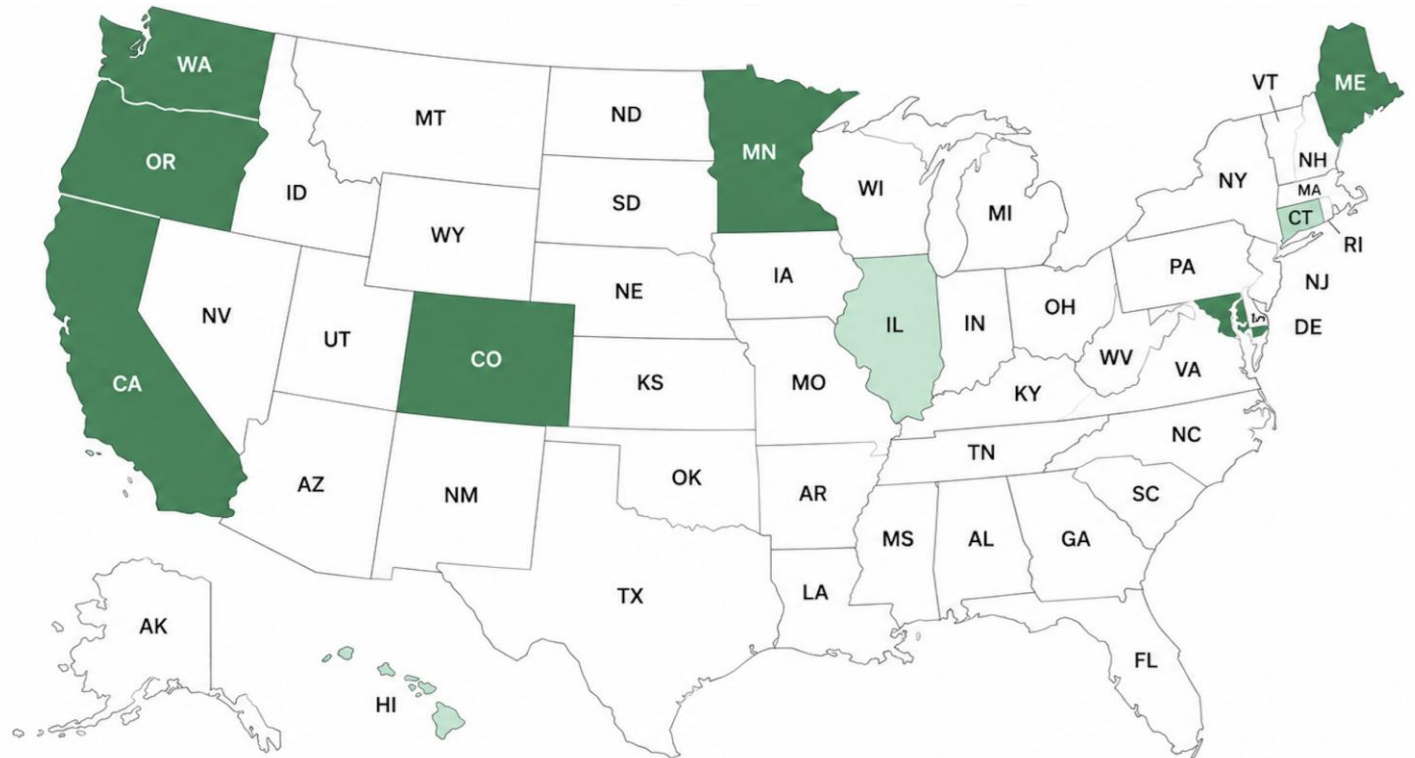
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What the First Major EPR Reporting Cycle Taught Us — *and* *What Comes Next*

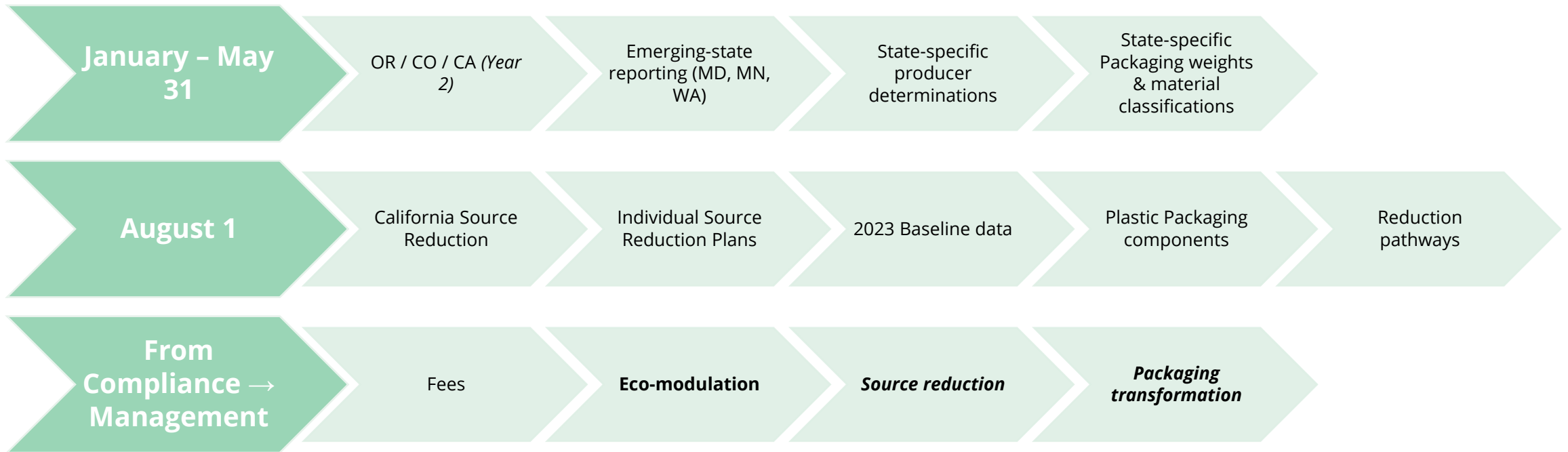
Calm After the Storm: *What the First Major EPR Reporting Cycle Taught Us — and What Comes Next*

For many producers, 2026 was the year packaging EPR stopped being something on the regulatory horizon and became an operational reality.



2026: When EPR **Became Real**

Reporting created the data foundation for everything that follows.



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Five Lessons From the 2026 (*and 2025*) Reporting Cycle

1

Classification matters

Small differences in material/component classification can affect reporting—and ultimately fees.

2

Data is everything

Packaging BOMs were often incomplete, inconsistent or simply unavailable.

3

Sales data ≠ Packaging data

Companies generally know what they sell. Far fewer know precisely *what packaging materials they place into each state*.

4

Ownership matters

Successful reporting required coordination across Sustainability, Legal, Finance, Operations, Packaging and IT...and partner organizations.

5

Build once, use repeatedly

The goal should no longer be to "prepare the EPR report." It should be to create a **repeatable EPR data architecture**.



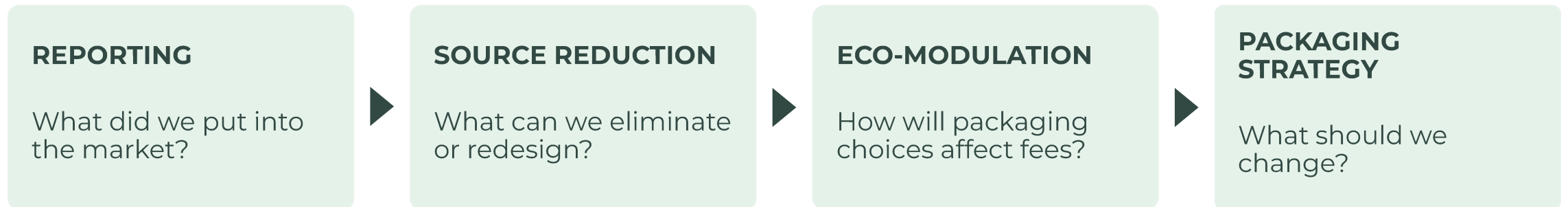
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California Taught Us What's Coming Next:

Compliance → Cost → Packaging Strategy

The Individual Source Reduction Plan forced producers to look at the same data through a very different lens

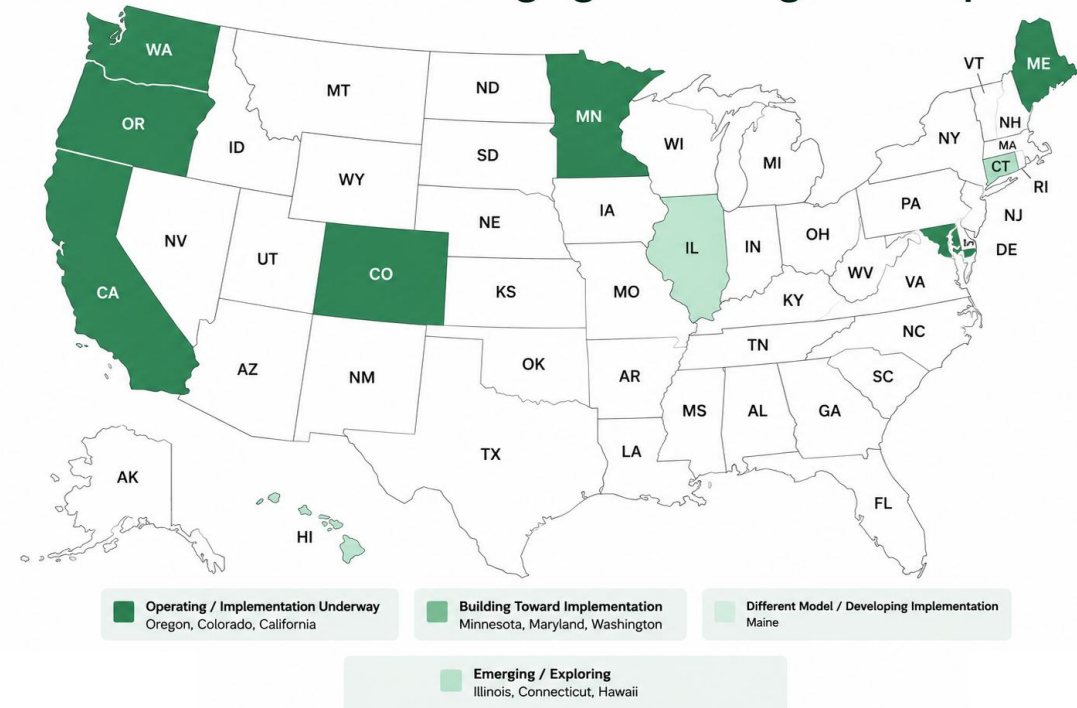
- **May** asked *"What packaging did you sell?"*
August asked *"What are you going to do about it?"*
- *That's a critical distinction...*
 - *...and Minnesota is planned to have some form of Source Reduction*



The U.S. Landscape: More States, Same Fundamental Challenge

- Harmonization is improving operationally
 - CAA is administering programs across California, Colorado, Maryland, Minnesota, Oregon and Washington.
 - But **the underlying laws remain state-specific**, including producer definitions and covered materials.
- *And then there's Maine...*

U.S. EPR for Packaging: A Growing Landscape



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Maine: First to Pass Packaging EPR. Still Finding Its Path to Implementation

- Maine's program is structurally different: it relies heavily on a Stewardship Organization (SO) administering a system that reimburses participating municipalities (participation is voluntary) for packaging-management costs, rather than simply extending the operating model CAA has been building across the other states.
- Maine DEP announced on August 20 that **no proposals were submitted for the Stewardship Organization RFP**, and DEP now says the program remains at Step 4 of its nine-step implementation process: contracting with an SO.
- CAA's official statement said:
 - *The Maine RFP as scoped is not aligned with our operational practices, systems and data stewardship standards or the delivery of the consistent producer experience that is central to our strategic operating principles.*



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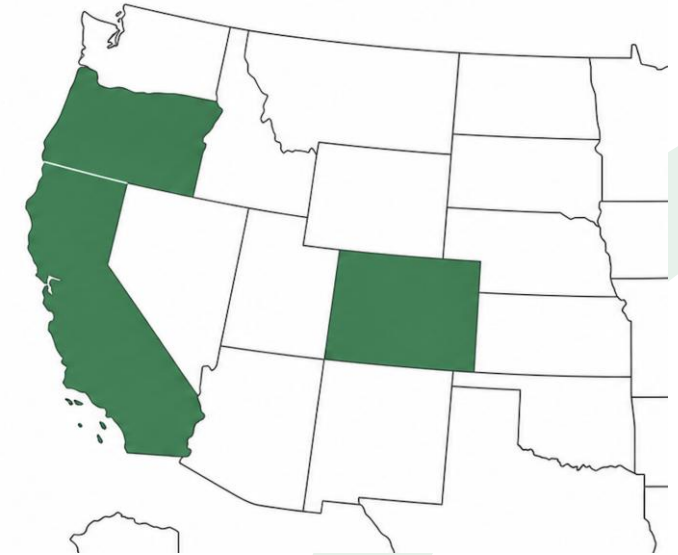
Maine: First to Pass Packaging EPR. Still Finding Its Path to Implementation



- CAA emphasized several points:
 - It reviewed the June 2026 RFP and made a deliberate decision not to submit a bid.
 - The decision was *not* based on disagreement with Maine's EPR goals.
 - CAA felt the RFP did not fit the way it operates as a PRO, particularly regarding operations, systems, data stewardship and the producer experience.
 - CAA specifically left the door open to Maine. It said that if a future RFP were more closely aligned with its operating model, it would consider participating.
- DEP anticipates registration and invoicing beginning toward the end of 2026 but says a revised implementation schedule will be established *after* an SO is selected.

Other States: Highlights Since Last State of Play

- Oregon:
 - On August 27, the federal court upheld Oregon's Recycling Modernization Act (RMA) as constitutional—the first full merits decision testing a packaging EPR law against the U.S. Constitution.
- Colorado:
 - NAW filed a federal lawsuit on **July 30**, seeking a preliminary injunction against Colorado's packaging EPR program, relying on many of the same constitutional arguments raised in Oregon.
- California:
 - NAW, together with 17 state attorneys general, filed a federal lawsuit on **June 22** challenging SB 54, including its delegation of authority to the private PRO—again building on arguments raised in Oregon.
 - On **July 14**, a federal judge granted a preliminary injunction temporarily blocking enforcement of SB 343 ("Truth in Recycling/Labeling") ahead of its planned October 4, 2026 implementation. **SB 54 incorporates the same recyclability standard**, creating potential implications for SB 54 implementation.



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What If You **Haven't Reported Yet?**

First, confirm whether you are actually obligated.

Conduct an Obligation Assessment to determine producer status, applicable exemptions, and which packaging/materials are in scope.

Register and communicate with CAA immediately.

If obligated, notify CAA that you intend to come into compliance and begin the reporting process—**Notices of Delinquency can follow quickly.**

Get to work on the data now.

Late reporting can require coordination with both CAA and the applicable state agency. In California, requesting access or reopening of the CalRecycle reporting portal can add time and complexity.

Don't underestimate the consequences of non-compliance.

Depending on the state and violation, penalties can be substantial—for example, Oregon allows penalties of **up to \$25,000 per day**, while California SB 54 authorizes administrative civil penalties of **up to \$50,000 per day per violation**. Colorado also prohibits nonparticipating producers from selling or distributing covered products in the state.

California producers have another obligation to address: the ISRP.

If applicable, late producers should evaluate their **Individual Source Reduction Plan** obligations as part of the compliance catch-up—not treat reporting as the end of the process. California's permanent SB 54 regulations have been effective since May 1, 2026.

Calm After the Storm...**For Now**

- **Don't wait for the next deadline.**
Fix the data now.
- **Compliance data is becoming financial data.**
Packaging decisions will increasingly affect EPR cost.
- **EPR is moving from reporting to strategy.**
The next competitive advantage is understanding which packaging changes deliver both environmental and financial returns.

The lesson from 2026 is that the best time to prepare for the next EPR report isn't next April. **It's now.**



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Canada

Material Harmonization – National Alignment



Presented by:

Mike Hall

Senior Consultant
Reclay StewardEdge

Material Harmonization – **National Alignment**

64

Producers will be required to report across 64 standardized material categories, including several newly introduced classifications.

- Canada's transition to a harmonized material reporting framework will take full effect for **2026 sales data (reported in 2027)**.

This represents a significant shift from previous provincial variations and will increase the level of detail required in reporting.



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Material Harmonization – **National Alignment**

Key implications include:

- More granular material classifications (e.g., separation of previously grouped materials such as paper laminates into distinct sub-categories)
- Increased complexity in data collection and weight calculations
- Greater reliance on suppliers and vendors for accurate material composition data
- Organizations should begin aligning their data systems now to ensure compliance with the harmonized framework.



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Material Harmonization – **National Alignment**

Current Categories	New Categories
Paper Laminates	Polycoated/Laminated Paper Packaging Polycoated/Laminated Paperboard Packaging
HDPE Bottles	Natural HDPE Coloured/Opaque Other HDPE Packaging
Other Plastic Packaging	Other Rigid Plastic Packaging PVC/PVDC Packaging PP Packaging Other PP Packaging
Plastic Laminate	Multi-Material and other Flexible Packaging PVC/PVDC Flexible Packaging PP Flexible Packaging

Reporting for Packaging EPR

Even though the deadline has passed for Packaging EPR in all provinces, it is not too late to file.

HOW WE CAN HELP

We can support you with completing and submitting your provincial stewardship reporting across all Canadian provinces, **including Quebec** and its Industrial, Commercial and Institutional (IC&I) component.



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Canada

Federal Plastics Registry



Presented by:

Maanik Bagai

Senior Consultant
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FPR Phase 1: **Status & Key Reminders**



No delay



No pause



Deadlines are unchanged

This applies to:

Packaging

Single-use or disposable plastics

Electronics & electrical equipment

For:

Primary and secondary Packaging

Threshold for reporting > 1000 kgs

Sept 29, 2026

Companies need to prepare Phase 1 reporting
for the **2025 reporting year**,



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FPR Phase 2: **Confirmed Delay**



Timing shift



Not a scope reduction

New expected timeline

As per ECCC, there will be a delay in the reporting requirements for **Phase 2** and **Phase 3** with a section 46 notice to **be published in the Canada Gazette**

What is being delayed?

All new requirements that were originally set for **2025 reporting**, including:

- Resin manufacturers and pellet producers
- Plastic converters and compounders
- Service providers (collectors, recyclers, processors)
- Industrial, Commercial & Institutional (ICI) waste generators
- End-of-life reporting categories



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Strategic Opportunity for Organizations

The delay creates a **planning window**, not downtime

What Organizations Can Focus On Now

- Build a **solid data foundation** that supports long-term FPR compliance
- Improve **visibility and consistency** of plastics-related information across products and suppliers
- Enhance **internal processes and systems** to simplify future reporting
- Prepare **documentation and traceability frameworks** to support audit readiness

Tip: Reduce future time pressure by addressing foundational **work in advance**.



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 **Reclay StewardEdge**
Product Stewardship Solutions



Canada

PFAS (per- and polyfluoroalkyl substances) Regulation



Presented by:

Maanik Bagai

Senior Consultant
Reclay StewardEdge

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PFAS Regulation in Canada:

Two Separate Obligations

Area	Section 71 Notice	NPRI PFAS Reporting
Type	One Time Information gathering notice	Ongoing annual reporting requirement
Substances covered	312 PFAS (Schedule 1, Parts 1–3)	163 individual PFAS
Reference Year	2023 Calendar Year	Current reporting year, recurring annually
Status	Deadline passed (Jan 29, 2025); some companies still catching up or reconciling data	Active, ongoing. First PFAS reporting year is underway now
Deadline	January 29, 2025	June 1, 2026
Enforcement	\$25,000 per violation, fines ranging from \$500,000 to \$6,000,000 for corporations	\$25,000 for an individual or \$500,000 for a corporation on summary conviction

In 2023, ECCC classified the **entire PFAS class as toxic under CEPA**. This is one of the broadest chemical classifications in Canadian regulatory history, rather than regulating substances one by one

Section 71: What Companies Needed To Do

Applied to anyone who in 2023 manufactured, imported, or used any of the 312 listed PFAS above threshold:

- ✓ **Manufacture** > 1,000 g
- ✓ **Import** > 10 g (Part 1) **or** > 100 kg (Part 2/Part 3)
- ✓ **Use in manufacture of a good** > 10 g

Required company-wide quantity calculations, goods/application coding, and (for fluoropolymers) technical data

One-time notice, but not "one and done" for many companies



PFAS are a class of over 4,700 synthetic 'forever chemicals' used in non-stick coatings, firefighting foam, textiles, and food packaging valued for their durability, but that same durability means they don't break down in the environment.



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NPRI PFAS: The Ongoing Obligation

This is the Annual recurring regulation:

ECCC added **163 individual PFAS substances** to NPRI Part 1, Group C
Reporting trigger: facilities that **manufacture, process, or otherwise use (MPO)** any listed PFAS above:

- ✓ **1 kg** threshold
- ✓ **≥ 0.1%** concentration
- Applies annually, facility-by-facility and not company-wide like Section 71
- **Key exemptions to check first:** retail/distribution exemption and article exemption. Many retailers may be excluded entirely if their activity is limited to selling finished goods.

Threshold applies per substance and per facility, a company can be in scope at one location and exempt at another



Canada's move mirrors a broader global shift the EU, US EPA, and several US states have introduced PFAS restrictions or reporting rules in recent years.

Our PFAS Compliance Services

One partner for both the one-time survey and the ongoing NPRI obligation

Applicability screening: facility-by-facility and SKU-level review to determine which PFAS obligations apply to your operations

Threshold assessment: quantity and concentration analysis against regulatory thresholds (e.g., 1 kg / 0.1% by weight for NPRI)

Exemption analysis: identification of retail, distribution, and article exemptions to avoid unnecessary reporting

Data collection and management: structured intake and tracking of PFAS-containing substances, SKUs, and facility-level usage data

Report preparation and filing: completion and submission of Section 71 and NPRI reports on your behalf

Ongoing compliance monitoring: annual re-screening and filing support as thresholds, substance lists, and deadlines evolve

Whether you're just starting Section 71 survey reporting or facing your first NPRI filing, a single screening exercise can cover both thus saving time and avoiding duplicated data collection



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United States

Deposit Return System



Presented by:

Beth Milligan
Senior Consultant
RecycleMe

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If I don't sell or distribute Beverages then why should I care about Deposit Return System (DRS) Laws?

Because states that have DRS laws could have dramatically different waste streams which could effect the overall cost of an EPR system for all other users.

Redemption Rate of the 10 Active States

Redemption Rates of Containers Through DRS, as reported by State Agencies

State	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	'25
California	74%	71%	72%	72%	68%	66%	67%	58%	58%	60%	60%	60%	59%
Connecticut	57%	53%	51%	49%	52%	50%	50%	44%	46%	44%	44%	65%	92%
Hawaii	74%	70%	68%	66%	63%	66%	63%	61%	62%	58%	55%	54%	52%
Iowa	78%	—	—	63%	—	—	—	—	—	49%	—	—	—
Maine	—	—	—	—	84%	—	—	76%	75%	78%	77%	74%	69%
Massachusetts	66%	66%	59%	56%	57%	52%	50%	43%	38%	38%	36%	35%	33%
Michigan	95%	94%	93%	92%	91%	89%	89%	73%	75%	76%	73%	70%	69%
New York	62%	64%	65%	66%	65%	64%	64%	64%	70%	70%	68%	69%	68%
Oregon	71%	68%	64%	64%	73%	81%	86%	77%	81%	86%	86%	87%	88%
Vermont	—	—	—	—	—	—	—	78%	76%	71%	72%	70%	68

All redemption rates do not include curbside recycling, except for Iowa's 2022 rate, which does include curbside and dropoff

California's rates are FY 2018; Hawaii's rates are all FY except for 2016 & 2018, which are CY

Source (for citation purposes) *Redemption Rates and Other Features of 10 U.S. State Deposit , *Container Recycling Institute, 2026. © Container Recycling Institute, 2026. All rights reserved



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Other States With “Rumblings”

- **California Several bills:** exempting donated beverages; glass quality incentive payments; processing fees for spirits; definitions of supermarkets for RVM purposes
- **New York A 6543 / S 5684:** Expansion and increased deposit
- **Hawaii** – 14 different bills – Passed SB 3138 relating to auditing requirements
- **Iowa SF 2179:** adds water and non-carbonated drinks
- **Maryland HB331/SB342:** - Establish a Program
- **Massachusetts H 3464:** New definitions, refillables, targets, handling fees, retail size, unredeemed deposits, penalties and other changes
- **Minnesota SF4439** – establishes a tax – not a bottle bill deposit program
- **NH HB1679** – Establishes a Beverage Container Redemption Program
- **NJ S3391** – Establishes a Deposit and refund system
- **New York A 6543/S5684** - expansion to juices and other non-carbonated beverages
- **South Carolina SB 750**– create a bottle bill system
- **Washington** – Form PRO and Deposit of \$.10
- **Washington DC B26-0058:** Establish an EPR system for beverage containers



**Does DRS legislation have a place with
EPR legislation?**

Does it have to be AND or OR?????



United States

Recycled Content Reporting



Presented by:

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RecycleMe

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Rates & Dates on **US Recycled Content Laws**

State	Product Type	Initial Rate	Second Target	Final Target
CA	Beverage Bottles (glass and plastic)	2022: 15%	2025: 25%	2030: 50%
CA	Rigid plastic packaging container	1995: 25%		
CA	Plastic trash bags	1998: 10%		
WA	Plastic beverage bottle	2023: 15%	2026: 25%	2031: 50%
WA	Plastic wine containers (187 ml); dairy milk containers	2028: 15%	2031: 25%	2036: 50%
WA	Plastic household cleaning & personal care products	2025: 15%	2028: 25%	2031: 50%
WA	Plastic trash bags	2023: 10%	2025: 15%	2027: 20%
WA	Reuseable carryout bags	2022: 40%		
NJ	Plastic beverage containers	2024: 15%	Up 5% every 3 years	50%
NJ	All other rigid plastic containers	2024: 10%	Up 10% every 3 years	50%
NJ	Plastic carryout bags	2024: 20%	2027: 40%	
NJ	Plastic trash bags (varies by bag thickness)	2024: 5-20%	2027: 10-40%	
ME	Plastic beverage containers	2026: 25%	2031: 30%	
CT	Plastic beverage containers	Report by end of 2023	2027: 25%	2032: 30%



How We Help + Q&A

Our Process

Simple and Tailored to Your Needs

Evaluate

- ✓ **WHERE** you are as a producer
- ✓ **WHAT** programs you need to comply with
- ✓ **WHEN** these timelines need to be met

Engage

- ✓ **WHO** do we need to work with?
- ✓ Internal and external resources (Packaging, Research & Development, Sales, Finance, Suppliers, etc.)

Execute

- ✓ We take care of **everything** else



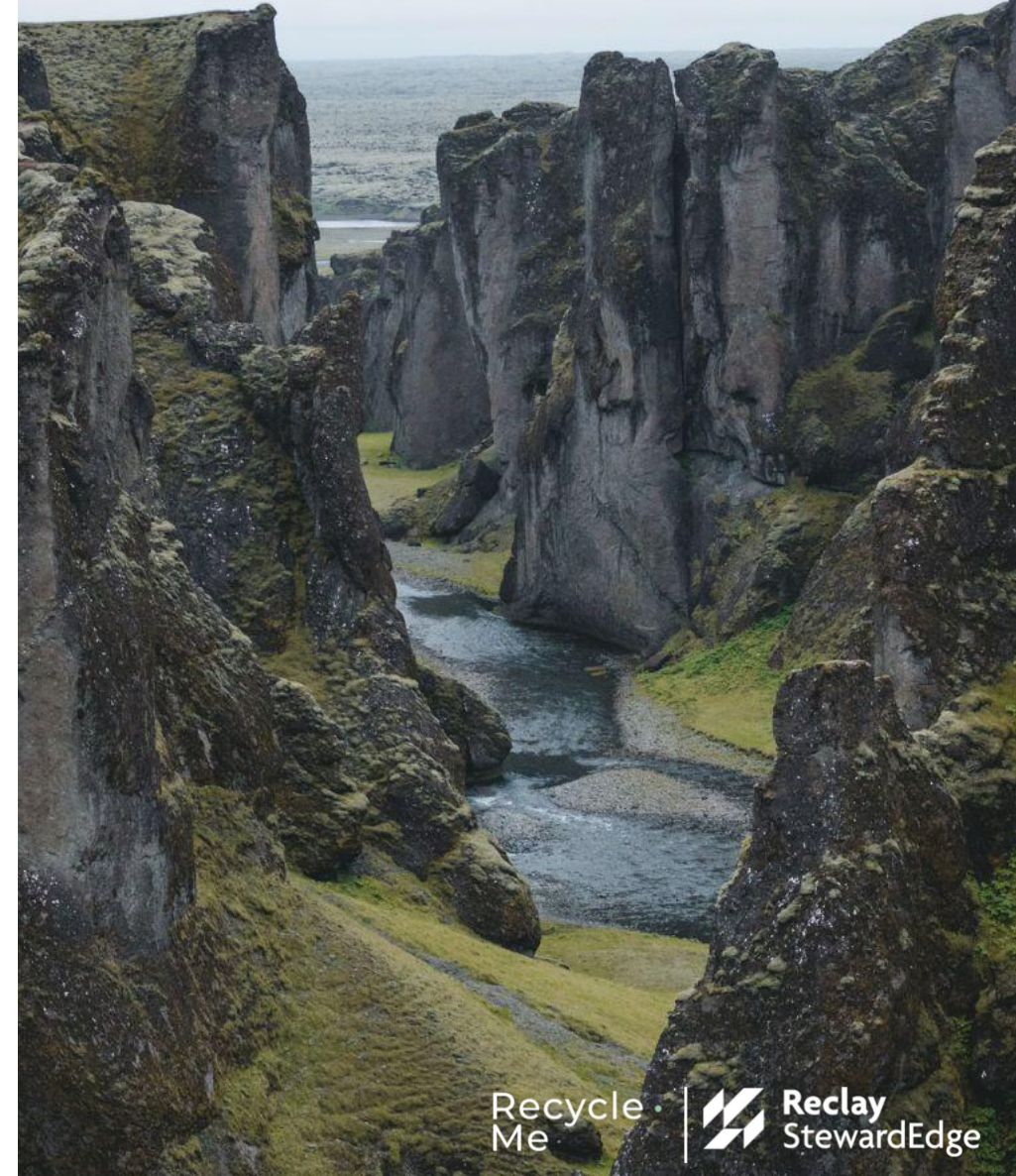
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Questions?



Schedule a call with
Candace Kunkel,
North American Business Development





Thank You!