

All Wrapped Up Extended Producer Responsibility for Packaging

2024 Year-End Newsletter

In this much-anticipated, long-overdue, first-ever, year-end edition of *All Wrapped Up*, we discuss developments in both November and December 2024, to wrap up last year and lay a foundation for what is lining up to be another bustling year in extended producer responsibility. Maine and Oregon finalized their regulations, while California blew its deadline to do the same. Massachusetts entered an appearance with “needs assessment only” legislation, while Illinois blew its deadline to select a needs assessment consultant under its “needs assessment only” law. We also take a deeper dive – in our *Issue in Focus* section – into how the United States upended efforts to pass an international plastics pollution treaty.



November and December 2024 State-By-State Updates

California

Colorado

Illinois (needs assessment only)

Maine

Maryland (needs assessment only)

Massachusetts (needs assessment only)

Minnesota

Oregon

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- The Oregon Department of Environmental Quality (“DEQ”) adopted final regulations following its second rulemaking, which became effective November 24, 2024.¹ The final rule included the following notable changes:
 - clarification as to the order producer obligations;
 - revisions to the definition of “Covered Products,” including a list of 5 categories of exempt materials;
 - revisions to the PRO’s market share reporting obligations;
 - a new, separate classification of violations for failing to register or become a member of a PRO; and
 - new criteria for the waste prevention and reuse fee, processor commodity risk fee, and the contamination management fee.
- CAA submitted the third and final PRO plan on December 6, 2024.² DEQ anticipates final acceptance in early 2025. The plan includes the most granular fee estimate schedule provided by any U.S. state yet, organized by material class, although it will ultimately be supplanted with estimates based on producer-specific data in June 2025. The plan provides a list of the over 1550 producers that had registered with CAA in Appendix B, along with a rough estimate of their market share. CAA estimated that it “had captured at least 40% of the market share by weight in Oregon,” although it noted that “there is a high degree of uncertainty” and that “a larger market share is possible, but the availability of data relating to producer counts, supply weights and potential non-reporters/free riders all limit a more precise estimation of this figure at present.” CAA anticipated that more accurate market share estimates will also be available after producer data has been submitted and verified.

¹ See <https://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/10539073>.

² CAA, Oregon Program Plan (2025-2027), https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/675367976db4842d3ae3ce43/1733519262653/Final_OR_PP3.pdf.

Oregon has the earliest deadline for producer data reporting among all five states – March 31, 2025 – and will accordingly be the first U.S. state to provide fee estimates and producer market share based on actual producer data.³

- The Oregon Recycling Advisory Council met on December 13, 2024, to discuss the PRO plan, in keeping with OR. REV. STAT. § 459A.878(2), which requires DEQ to solicit feedback from the Council prior to approving a PRO plan. The Council discussed the PRO plan submission process; education and outreach; and an overview of the new content in the PRO plan, including system expansion funding, transportation reimbursement models, the PRO Recycling Acceptance List, updated budget and fees, and eco-modulation.
- CAA released a “Consultation Draft” of the Oregon Addendum to the Participant Producer Agreement (“PPA”) on November 22, 2024, and invited recipients to provide comment via a survey due December 6, 2024. The draft generally sets forth producer reporting, recordkeeping, and fee obligations as well as CAA compliance obligations.

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Circular Action Alliance

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Issue In Focus: U.S. Tanks Plastics Pollution Treaty

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³ OR. ADMIN. R. 340-090-0870.

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Authors for this edition



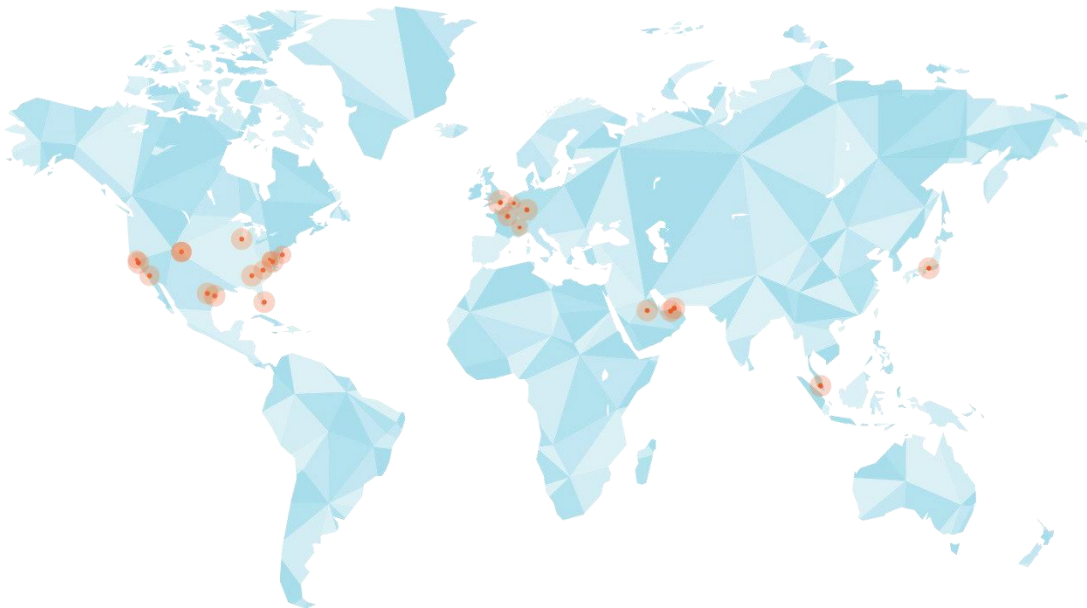
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