

FUTURE-PROOFING COMPLIANCE

Extended Producer Responsibility (EPR) compliance

State regulators across the country are moving to implement Extended Producer Responsibility (EPR) laws placing responsibility for the end of a product's lifecycle on its producer. New rules and regulations are already in effect, with others on the horizon. Many could affect how you do business today. DLA Piper's EPR Compliance team is here to help you understand, anticipate, and comply with dynamic requirements without losing your competitive edge.

The challenge

EPR regulations affect your product lifecycle and may increase financial and regulatory burdens

The recent wave of EPR laws for packaging and other products in California, Colorado, Maine, Minnesota, and Oregon aims to reduce the environmental impact and end-of-life cost associated with consumer products by requiring producers to strengthen, develop, and fund circular economies for the materials they use. These states are leading the way as similar regulations gain momentum across the country.

Some states require companies that sell, package, and ship consumer goods to transition to fully recyclable or compostable packaging materials. But timelines, reporting requirements, and regulator expectations can differ from state to state, complicating compliance.

And because EPR regulations shift the responsibility for disposal and recycling costs to product producers, EPR laws generally require producers to form and join a nonprofit Producer Responsibility Organization (PRO) to allocate costs among producers, develop mandatory plans to reduce and manage waste, and operate waste management programs. The PRO will serve as both a voice for industry

Who does this impact?

- Product and packaging manufacturers
- Companies that make or distribute products with packaging or single-use plastic items
- Food service ware brands and retailers
- Sellers and publishers of paper products
- Companies that pack products to ship
- Importers, distributors, and sellers of products in EPR states

Who is a producer?

Depending on your state, EPR laws will define producers to include:

- Manufacturers, brand owners, exclusive licensees, and importers of products that use single-use packaging
- Manufacturers of single-use food service ware
- Manufacturers of single-use packaging
- Publishers of printed materials like magazines, newspapers, catalogs, telephone directories, or similar publications

management programs. The PRO will serve as both a voice for the industry and a single conduit for enforcing regulatory mandates. It will also be a forum for producers with different interests to negotiate how best to achieve these ends.

EPR compliance is not straightforward, and failure to comply may be costly. Tight deadlines, practical implementation challenges, and varying state rules may complicate the balance between compliance and meeting business objectives.

Our solution

Agile, forward-looking EPR strategies

Beyond providing legal advice, we take a hands-on approach to compliance and risk mitigation. Our solutions are tailored to your business objectives and informed by our extensive experience with EPR and other packaging laws.

Defining your specific obligations

Varying definitions, requirements, and scopes make identifying the requirements that apply to your industry, products, and supply chain a critical first step. Our team is here to help you navigate the process.

Illuminating a clear path forward

From preparing businesses for regulatory changes and new reporting requirements to guiding you in joining, negotiating, and navigating PROs, we develop immediate and long-term roadmaps for compliance with new and emerging regulatory regimes. We can help you ensure compliance while maintaining your competitive edge.

Impact

Future-proofing compliance with experienced guidance

Up to speed on day one – no learning curve required

EPR laws are top of mind for consumer goods, food, and retail companies and the businesses that support them. Many firms are just now getting up to speed on the topic, but we have been tracking EPR laws from their inception. We have counseled businesses on EPR obligations up and down the supply chain. We use this experience to keep you ahead of the curve in a rapidly evolving space.

Extensive PRO and sub-PRO experience

EPR laws and PROs may be emerging developments in the US, but they have been tools of choice internationally for decades. Our global platform allows us to leverage the EPR and PRO experience of our global colleagues to inform solutions for US businesses. As the exclusive firm advising "sub-PROs" to represent specific industry interests within a broader PRO, we can deliver key insights specific to your business.

Future-proofing compliance

We use our experience to find vulnerabilities and tailor compliance approaches to mitigate risks and achieve resilience. With firsthand understanding of this dynamic landscape, we can help you efficiently adjust and adapt to compliance measures.

About us

DLA Piper is a global law firm with lawyers located in more than 40 countries throughout the Americas, Europe, the Middle East, Africa, and Asia Pacific, positioning us to help companies with their legal needs around the world.

For more information

To learn more about DLA Piper, visit dlapiper.com or contact:



George Gigounas

Partner
San Francisco, San Diego
T +1 415 615 6005
[Email](mailto:george.gigounas@dlapiper.com)



Kristy Balsanek

Partner
Washington, DC
T +1 202 799 4464
[Email](mailto:kristy.balsanek@dlapiper.com)

dlapiper.com