Foster Garvey

Legal Alerts

Colorado's EPR Law Enters First Compliance Phase: Reporting Due July 31

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Colorado's comprehensive extended producer responsibility (EPR) program reporting deadline is fast approaching. Producers (including brand owners, manufacturers, importers and retailers) of packaging and paper products are required to submit data on 2024 sales of covered materials to the Circulation Action Alliance (CAA) by **July 31**.

House Bill 22-1355, signed into law in June 2022, established a statewide EPR program administered by the CAA, the designated Producer Responsibility Organization (PRO). Under HB 22-1355, producers are required to fund and help manage recycling systems for the packaging and paper products they place into the Colorado market. The law aims to improve recycling rates, reduce waste and create a more sustainable materials management system.

Exemptions may be available based on annual revenue or material weight thresholds, but all businesses selling packaged goods in Colorado should assess whether and to what extent the law applies to them. Noncompliance could lead to enforcement actions by the Colorado Department of Public Health and Environment (CDPHE), including penalties ($5,000 for the first day of the first violation and $1,500 for each following day until the violation is cured) and the potential loss of market access. Subsequent violations have higher corresponding penalties (the second violation is $10,000 initially and $3,000 for each following day; the third and subsequent violations are $20,000 initially and $6,000 per following day).

Going Forward

Businesses that sell products in Colorado that utilize materials that may be covered by this new law should take immediate steps to:

- Evaluate whether their products are subject to HB22-1355;
- Register with the Circular Action Alliance if applicable;
- Begin collecting and organizing 2024 packaging data for submission by July 31, 2025; and
- Develop and implement compliance strategies to ensure compliance with the evolving EPR requirements.

For guidance on navigating Colorado's EPR law and ensuring your business is positioned for compliance, please contact Foster Garvey.

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