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Non-Compliance with Oregon's Extended Producer Responsibility Law May Result in Penalties of \$25,000 per Day

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Under Oregon's Extended Producer Responsibility (EPR) law, the deadline for producers of consumer packaging, paper and food serviceware to register and report their production of such materials to the Circular Action Alliance (Oregon's only approved Producer Responsibility Organization, a "PRO") was April 30. Failure to register/report may result in escalating penalties as high as \$25,000 per day.

First enacted in 2021, Oregon's EPR law comes into effect this year. The statute requires businesses that manufacture, distribute or sell consumer packaging, paper and food serviceware into Oregon be financially responsible for the recycling/disposal of such materials. Such businesses may include product manufacturers, brand owners, retailers who sell private-label products and importers of covered materials.

Oregon's EPR law requires subject businesses to join a PRO, pay membership and covered material fees, as well as report data regarding their usage of covered materials. The fees paid to the PRO (in Oregon's case, the Circular Action Alliance) will be used to support recycling efforts, such as reimbursement to municipal recycling services.

Determining whether a business is responsible for a covered material/product and subject to the EPR law requires an evaluation of how the products are produced, distributed and sold. There are exemptions and classifications based on business type, product type, annual sales and weight thresholds.

Businesses with connections to Oregon should act now to determine whether they are subject to the EPR law. The attorneys at Foster Garvey are available to help you evaluate your obligations and develop compliance strategies aimed at the evolving EPR requirements. If you have any questions about the EPR law or need assistance preparing for this regulatory change, please contact Foster Garvey's [Business](#) team.

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