



## Extended Producer Responsibility: Our Legal Advisors Offer Guidance

The issue of extended producer responsibility is a growing concern for commercial mail producers, so our legal advisors from Brann & Issacson have offered our subscribers some guidance on the matter.

### California's Packaging Extended Producer Responsibility Program: Why Commercial Printers and Mailers Are Officially in the Conversation

For years, environmental compliance lived comfortably upstream – brand owners worried about it, packaging manufacturers designed around it, and commercial printers and mailers mostly executed.

Not any longer. If your business touches printed packaging, inserts, labels, catalogs, mailers, or fulfillment, California's Extended Producer Responsibility program is no longer a "watching brief." It's a fast-developing compliance system that will change *who pays, who reports, and how packaging is designed and sourced* – with ripple effects through print and mailing workflows. California's Extended Producer Responsibility (EPR) program changes that dynamic.

While the program is still framed legally around "producers," recent developments from CalRecycle make one thing clear: **printers and mailers are now operationally essential to compliance.** The rules are still being finalized, but the direction of travel is unmistakable – and the data, design, and documentation burden is already moving downstream. Commercial printers and mailers may indeed qualify as producers, and even now sit uncomfortably close to the regulatory blast radius.

This article focuses on what's new in California<sup>1</sup> since our last EPR article in late 2024, what California's program really means for commercial printing and mailing operations, and what steps make sense *now*.

### A fast refresher: California's EPR Program in one page (no policy seminar required)

California's Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54), enacted in 2022, establishes the largest packaging EPR program in the US. The law seeks to shift responsibility for the cost of managing packaging waste from municipalities to "producers," broadly defined. In doing so, it sets aggressive statewide targets to be achieved by 2032:

- **100%** of single-use packaging must be recyclable or compostable
- **65%** of single-use plastic packaging must be recycled
- **25%** source reduction in single-use plastic packaging compared to a baseline year

To fund this system, California anticipates producers collectively will pay \$5 billion over 10 years, beginning in 2027. California's efforts to implement the program have

<sup>1</sup> Although this article focuses on California, it is worth noting that two other states began enforcing their similar programs over the last year: Oregon and Colorado.

accelerated sharply since late 2024, with CalRecycle publishing material definitions, reporting guidance, recycling-rate determinations, and – most recently – reopening regulatory text for public comment in early 2026.

California's **small producer exception** protects producers whose California gross sales fall below **\$1 million** (the thresholds in other states vary, though California is the only state to measure its small producer threshold by California-source sales). But exemptions are *not* a strategy, especially for suppliers serving national brands whose California gross sales clearly exceed that threshold.

### Breaking news: regulations are still actively being revised – but the end goals are not

As of January 29, 2026, CalRecycle opened a new 15-day public comment period on its SB 54 "plastic and packaging reforms," closing February 13, 2026. This follows multiple rounds of revised draft regulations and reflects ongoing disagreement over scope, exemptions, and compliance mechanics. What matters for commercial printers and mailers is not the regulatory back-and-forth – it's CalRecycle's consistent message that statutory deadlines and 2032 targets remain unchanged, and **industry should prepare to comply even while rules are still being refined.**

### "Covered material": why EPR Programs reach commercial mailers

SB 54 applies to "covered material," defined as single-use packaging and single-use plastic food service ware. CalRecycle, the agency charged with administering California's program, has been publishing and updating a [Covered Material Categories List](#) (CMC List) that classifies materials by type and form, including components.

For commercial printers and mailers, covered material can include:

- polywrap and overwrap on magazines and catalogs,
- padded and poly mailers,
- envelopes with plastic windows,
- coatings, laminations, and films applied to printed pieces,
- multi-material inserts or affixed components included in mailings.

Critically, CalRecycle's framework **evaluates detachable components separately**, meaning the plastic window on an envelope or the polywrap around a catalog can be analyzed independently from the paper content. It has also published the first-ever recycling rate determination for each covered material category. And by publishing recycling rate determinations by material category, California's EPR program shifts the conversation from:

"Is it technically recyclable?"

to: "Does it actually get recycled at scale in California?"

**Why you should care:** recycling rate determinations become the backbone for eco-modulation (higher costs for harder-to-